

THE HATE CRIMES STATISTICS ACT

Y 4. J 89/2: S. HRG. 103-1078

The Hate Crimes Statistics Act, S.H...

HRG.

BEFORE THE

SUBCOMMITTEE ON THE CONSTITUTION

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

ONE HUNDRED THIRD CONGRESS

SECOND SESSION

ON

THE IMPLEMENTATION AND PROGRESS OF THE HATE CRIMES STATISTICS ACT (PUBLIC LAW 101-275), FOCUSING ON LAW ENFORCEMENT PARTICIPATION IN THE NATIONAL HATE CRIME DATA COLLECTION PROJECT, A COMPONENT OF THE FBI'S UNIFORM CRIME REPORTING PROGRAM

JUNE 28, 1994

Serial No. J-103-63

Printed for the use of the Committee on the Judiciary



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THE HATE CRIMES STATISTICS ACT

TUESDAY, JUNE 28, 1994

U.S. SENATE,
SUBCOMMITTEE ON THE CONSTITUTION,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:23 a.m. in room SD-226, Dirksen Senate Office Building, Hon. Paul Simon (Chairman of the subcommittee), presiding.

Also present: Senators Brown, Hatch, Cohen [ex officio], and Pressler [ex officio].

OPENING STATEMENT OF HON. PAUL SIMON, A U.S. SENATOR FROM THE STATE OF ILLINOIS

Senator SIMON. The subcommittee will come to order. We are having a hearing on the Hate Crimes Statistics Act which I introduced in 1990 and which is now the law. I am pleased to say that the policing agencies of the Nation are cooperating more and more with the FBI. In 1991, 2,771 agencies participated. In 1993, 6,840 agencies participated. But we still have 10 States that are not providing statewide data, including the State of California.

The statistics we are getting are meaningful. What we want to do is to find out if this poison is rising or declining in this Nation, and we want to do it on more than an anecdotal basis. The information gathered by the Anti-Defamation League, for example, indicates that there is a rising problem in our country, and some of the statistics from polls reflect this problem as well. The National Conference of Christians and Jews polled various groups and found that 46 percent of Latino Americans, 42 percent of African-Americans, and 27 percent of whites agreed with the statement that Asian-Americans are, and I am quoting, "unscrupulous, crafty, and devious in business." Those are the kinds of statistics that say we still have a great deal of work to do. Yet, the encouraging thing from that same poll is that 9 out of 10 Americans say we would like to learn more about other groups and sit down and understand each other more.

We are pleased to have as our first witness, and before I call on him I will call on Senator Hatch for any opening remarks, Steven Spielberg, who has a long and illustrious history in the field of movie production, but it is frankly not that long and illustrious history that brings you here. It is the production of the most moving film I have seen in my life, and that was "Schindler's List."

I was thinking last night what movie really has had an impact on our culture, and when I say our culture, I am not just talking

about the United States. I think I would have to say "Schindler's List" more than any other film. What you see in "Schindler's List" is a story that did not take place in a vacuum. There was a lack of understanding in Germany, but what took place in Germany can take place in other countries, maybe not against the Jews; but maybe against some other group.

Earlier, I was talking to Mr. Spielberg about what happened on the West Coast in 1942. About 120,000 Japanese-Americans were told, you have 1 to 3 days to sell all your property, put everything you have into one suitcase, and we are taking you off to camps. The message of "Schindler's List" is a powerful one and an important one, and we are very pleased, in addition to having testimony from the FBI and the mayor of Salt Lake City on behalf of the mayors, and ADL and others here, to have Mr. Spielberg here.

Senator Hatch?

OPENING STATEMENT OF HON. ORRIN G. HATCH, A U.S. SENATOR FROM THE STATE OF UTAH

Senator HATCH. Thank you, Mr. Chairman. I want to welcome you, Mr. Spielberg, and I admire what you do and appreciate the things that you have done, as well as our mayor and other witnesses here today. Frankly, your film has already had a tremendous impact around the world on illustrating the dire consequences of bigotry and hate in general, and anti-Semitism in particular.

I also want to welcome Steven Pomerantz, the Assistant Director for the Criminal Justice Information Services Division of the Federal Bureau of Investigation; Phillip Lyons, deputy attorney general for training and standards, State of North Carolina; and, of course, our other distinguished witnesses and, in particular, our own mayor from Salt Lake City, Deedee Corradini. We are very honored to have all of you here.

Today's hearing is an oversight hearing on the Hate Crimes Statistics Act. This act, cosponsored by Senator Simon and myself, enacted in 1990, requires the Attorney General to acquire data for 5 calendar years about crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity, including, where appropriate, crimes of murder, non-negligent manslaughter, forcible rape, aggravated and simple assault, intimidation, arson, and destruction and vandalism of property.

Under the act, the Attorney General, through the Federal Bureau of Investigation, has established guidelines for the collection of these data to ensure that the incidents reported truly reflect prejudices based on the characteristics delineated in the bill. In part, the purpose of this hearing is to examine the efficacy of these guidelines and how the data collection system is being utilized by the States and localities.

Hate crimes are among the most heinous of all crimes because they strike so deeply at their victims' individuality and self-esteem. Indeed, hate crimes represent a particular threat to the fabric of our free society because they single out characteristics, such as race, religion, or ethnicity to foster fear and a sense of isolation and division. In a nation founded on diversity and the ideals of tolerance and unity, hate crimes are simply un-American.

For persons who are members of minority groups with a history of persecution or mistreatment, these crimes create anxiety and concern about their security and their place as Americans living in their own land. Emotional and psychological scars do result from these crimes.

To Jewish-Americans who have witnessed and suffered persecution, the desecration, vandalism, and burning of synagogues, of the Torah and of places of business—the defacing of cemeteries and synagogues with swastikas and Nazi slogans are horrible reminders of the intimidation and persecution of the Nazi regime and of the “blood-libel.”

To African-Americans who have endured slavery, lynching, Jim Crow laws, and continued discrimination, and to other racial and ethnic minorities with a history of ill-treatment and discrimination by others, physical violence animated by race or ethnicity is a singularly brutal manifestation of hatred.

To Roman Catholics who have faced religious prejudice, a cross-burning is a cruel act with a blunt meaning that their faith has no legitimacy. To members of my church, who yesterday marked the 150th anniversary of the assassination of our prophet, Joseph Smith, an assassination born of fanatical hatred and bigotry, desecration of our temples is a continuing reminder of that hatred. I might add that we are the only church in the history of the United States, to my knowledge, where there was an order to exterminate all members. Literally, a Governor of Missouri, Governor Boggs, issued an extermination order in this the freest of all lands. All of these crimes are intended to deny people a sense of worth and a role in their native or adopted America.

While I do not believe we yet face an epidemic of hate crimes in our country, they are a growing phenomenon. The Anti-Defamation League’s 1993 audit of anti-Semitic incidents reported a total of 1,867 incidents against both property and persons, reflecting a troubling second highest number of incidents in the audit’s 15-year history and an 8-percent increase over 1992. Even more disturbing is the documented major rise in acts of assault, threat, or harassment which showed an increase of 23 percent.

During 1992, according to the most recent study prepared by the FBI pursuant to this act, 7,466 bias-motivated criminal acts were reported to the FBI by about 6,200 law enforcement agencies in 41 States and the District of Columbia. The FBI concluded that 63 percent of these incidents were motivated by racial bias, 15 percent by religious bigotry, 12 percent by sexual orientation bias, and the remainder by ethnicity prejudice.

Thus, hate crimes are a national concern and affect citizens who belong to a variety of groups targeted by hate mongers. In viewing this problem, however, I believe that our democratic and constitutional institutions are still strong. The vast majority of our citizens are intolerant of hate crimes and those who perpetuate them and perpetrate them. Local, State, and Federal law enforcement agencies generally have been successful in the apprehension and conviction of the criminals involved, and frequently there is a public outcry about these crimes and local citizens often rally to the support of neighbors who are victims of these crimes.

I hope that the statistics developed pursuant to this act will provide a useful tool for law enforcement agencies, education authorities, social agencies, and most importantly for community and civic organizations to identify those areas where resources can be best deployed to counter this particular problem.

I stress the role of community and civic organizations because, in the last instance, any resolution of the hate crime problem must be accomplished at the primary level. Respect, tolerance, and civic virtue are ultimately inculcated by the family. America is strong and safe and prosperous in direct proportion to the extent these values are widespread.

It is well worth remembering the true lesson of "Schindler's List." The nightmare of totalitarian dictatorship and genocide is a two-part process. First, there is a breakdown of the very fabric of civil society and what I term the constitutional culture. The rule of law, respect for limitations on government, and toleration for the democratic and natural rights of citizens who are different from the majority come into general disrepute.

Then, with the weakening of the fabric of the constitutional culture, there is nothing to stop the forces of hatred and darkness from seizing the reins of government. No police force, nor court system, can prevent the collapse of the constitutional culture when the citizenry abandons it. It is in this second stage that the machinery of government becomes absolute and hatred becomes the emotionless bureaucratic policy of the state. To prevent the second stage, one must stop the first. We must strengthen the American family, our churches and synagogues, and our community and civic organizations.

I want to compliment you, Mr. Chairman, for being willing to hold these hearings, and you, Mr. Spielberg, and the other witnesses for being willing to testify and to help us to understand from your perspectives a little bit more about this problem, and, of course, all concerned who are fighting against hate crimes in our society. Thank you for being here.

Senator SIMON. Thank you, Senator Hatch.
Senator Cohen?

STATEMENT OF HON. WILLIAM S. COHEN, A U.S. SENATOR FROM THE STATE OF MAINE

Senator COHEN. Mr. Chairman, thank you very much for allowing me to participate in this hearing. I would like to associate myself with the remarks just made by Senator Hatch. I think that they were extremely eloquent and compelling, and I will just add a couple of observations.

There is a great deal of debate as to whether we as a Congress or a country can look into the minds of the perpetrators and try to determine whether it was motivated by hate or simply some emotional outburst. But I would like to say that most of us are committed to the principle that all crimes are not created equal, all crimes are not perpetrated equally. Hate is a motivation which can be determined, and has been determined in the past and will be in the future.

I think that, unfortunately, our society has embraced violence as a part of our culture. It is something that you, Mr. Chairman, have

held hearings on and there will be more hearings about this. We glorify violence in movies, on television, in rap music, and the video games that are played by our children. I think this constant exposure to violent behavior has numbed us to the pain that violence inflicts and we have been conditioned to accept violence as a natural, inevitable part of our lives.

I think the well-publicized incident in which a group of junior high school students laughed at the depiction of the summary execution of a young Jewish woman in "Schindler's List" is a pretty good example of how numb we have grown, even to violence motivated by hate, hate of a person's sex, race, or religion.

I think all of us are absolutely astonished to see the level of violence night after night in the Balkans, but what we are witnessing is a balkanization of the American spirit. To the extent that we allow crimes to be perpetrated that are motivated by hatred for any group, any sex or sexual orientation, or any other factor. We invite retaliation from that group that is being victimized.

We have, I think, an absolute obligation to pursue this and to collect as much information as we can, and I want to say I welcome Mr. Spielberg and the other witnesses, Mr. Chairman, for the testimony they will give.

Senator SIMON. Thank you. Although I don't have a date on this, in the magazine "Tikkun," Michael Lerner, talking about "Schindler's List," has an editorial in which he says:

I cried through much of the film, and I came away ever more deeply committed to fighting against the resurgent forces of fascism, racism, anti-Semitism, ultranationalist chauvinism, and hence to politics and meaning. For this, I thank and congratulate Spielberg and wish the film well. Compared to most of the film industry's offerings in the past few decades, "Schindler's List" is indeed a masterpiece.

Michael Lerner is not generous with his comments about many things and many people, and I thought you might be interested in that.

Mr. SPIELBERG. Thank you.

Senator SIMON. We are happy to hear from you now, Mr. Spielberg, and either in your formal statement or informally I am interested also in what you are doing to use the film as an educational device. You may be touching on that.

STATEMENT OF STEVEN SPIELBERG, MOTION PICTURE PRODUCER AND DIRECTOR

Mr. SPIELBERG. Thank you very much. My name is Steven Spielberg and, as you know, I am not a sociologist or a historian or a Holocaust survivor. I am a film maker who was fortunate to have had the chance to make a film called "Schindler's List."

When I began the film, I thought of it as a personal passion, but as I spent my days on the streets of Krakau filming the horrors of the past and my nights unable to get them out of my mind, "Schindler's List" became more of a mission, a duty, to ensure that something very important be understood and never forgotten. So I can't thank you enough for allowing me this chance to air my thoughts and feelings about ethnic and racial tolerance.

Mass media continues to advance at a break-neck pace, bringing more television pictures and more information from around the

world to everyone faster than ever before. But what confounds me is how, with all of us practically living in each other's backyards, hate continues to flourish. Ignorance isn't the quick and easy excuse it used to be. The exposure of information to all cultures and races is ever-present and high accessible, and yet in this age of satellite communication we seem to be losing touch.

We turn on our televisions and open our newspapers today in 1994 in the modern world and hate and genocide, phrases like "ethnic cleansing" and "concentration camp" are still among us. Obviously, state-of-the-art communication and information are not sufficient to put a stop to racial and ethnic hatred.

What is missing, I believe, is a moral force, the human ability to tell the difference between right and wrong. Hatred exists not because people have never seen or heard of a Jew or a Latino or an African-American or an Asian or a Native American or a homosexual. It exists because people learn to hate. From parents, peers, culture, and negative experiences, people acquire a deep and blind hostility that they think gives them a justification to disqualify the moral rules they apply to their own people. Generalized blame and scapegoating projected on groups allow the faces, the individuals, to be lost in the blur.

If only people were taught to feel what they think and when they think, how would I have felt if my father was beaten and lynched by the light of a burning cross, how would I have felt watching my wife and children killed in front of me before I was sent to a concentration camp somewhere in the Balkans, how would I have felt standing naked in front of an armed SS officer being forced to dig a pit that I knew would be my grave. How would I have felt? This is the essential question in truly understanding hate throughout history.

Empathy is a required element of morality, and empathy, the intimate appreciation that the feelings of one human being can be readily understood and imagined by another—that emotion needs to be cultivated in ourselves and in our children in order to enable us to respect, to live and to let live.

Teaching and discussing empathy as part and parcel of history and current events is an imperative first step. History has to cease being facts and figures, stories and sagas from long ago and far away about "them" or "those." In order to learn from history rather than just about it, students need to rediscover that those people were people just like us.

We showed "Schindler's List" at the Apollo Theater in Harlem to about 400 African-American students on March 21 of this year, and I will never forget how one of them, about 14 years old, said, why do I need to see what the Jews went through; it is not my story, it is their story, it has nothing to do with me. Another youngster about 12 years old came forward and summed up the answer concisely and powerfully. He said something former New York Mayor David Dinkins had said after seeing the film. He simply said pain is pain. That is the root of tolerance.

"Schindler's List" touched events in the lives of just a few people during only a few years, a small story of World War II. The film was certainly not the quintessential compendium of Holocaust history. I never intended it to be, but one of the reasons I feel it has

had the impact is that it reaches people on a visceral level, on a personal level. It is not solely about Nazis and Jews. It is a wake-up call to all people to realize that we are all people. We all have to demand, practice, and teach tolerance and respect for our fellow human beings.

We need to know about the Holocaust. We need to know about slavery and segregation, about the march of the Cherokee Nation which ended at Wounded Knee, about the horrendous treatment of Chinese immigrants who came to build the American railroads, about the Turkish massacre of Armenians in World War I, about the internment of Japanese-Americans during World War II, about the killing fields in Cambodia, about apartheid in South Africa, about the trial wars in Rwanda, about the Serbs and the Croats and the Muslims in Bosnia, about gay-bashing and the Arien Nation and the KKK. It is not just their stories, it is not just history. Tolerance is an understanding of people and their experiences, a visceral understanding of their pain, and the realization that any pain is also our pain.

I had the opportunity to read essays written by a group of inner-city students in Los Angeles who saw "Schindler's List," met with Holocaust survivors, and studied the period and discussed its implications. A 17-year-old Asian-American boy wrote:

I am living in a world with violence and crime constantly threatening me, not knowing when I will die. At any time, I could be robbed, murdered, or hit by a drive-by. I am living in an area where Cambodians and Mexicans kill each other, a world where my mother worries every time I go outside that I will be mistaken for a Cambodian and get hurt. Students at school talk about the way Asians live. They say we eat cats, rats, snakes, rabbits, even dogs. They say we are dirty, sloppy, uneducated. It is like how Hitler stereotyped the Jews.

A Latino student whose best friend was killed by a group of militant white youths wrote:

The negativity in this world, all of the violence and ignorance that is destroying us—someone has to educate the people and teach unity and love. If I can change one person for the better, then I believe that I have changed the world. That one person will teach others the right way, and it continues on so we as a people can share our common bonds as brothers and sisters; not whites, or blacks, or Bloods, or Crips, but as one.

That letter gave me tremendous hope, but people should not have to have friends murdered before they learn the lessons of empathy, tolerance, and humane responsibility. So I implore educators, clergy, and parents, especially parents, to teach and practice ethnic and racial tolerance. To my knowledge, Holocaust and slavery education is required in only 4 of our 50 States. A mandatory course in our schools to teach history and reinforce tolerance for all races, religions, and cultures can make a difference. Awareness, recognition, respect, and tolerance is everyone's responsibility.

Thank you.

Senator SIMON. Thank you for a powerful statement.

We have been joined by Senator Hank Brown from Colorado. Do you have any opening statement here?

Senator BROWN. No.

Mr. SPIELBERG. Would you like me to address—

Senator SIMON. If you could, what you are doing in the field of education? You touched on education at the end of your statement,

but I think we have to look at this as more than just a great film—a kind of meteor across the horizon.

Mr. SPIELBERG. Well, when I made the film I never expected anybody to see the film, so that was my first surprise that people actually put themselves through the experience of witnessing a little bit, just a fragment, of probably what it was like.

I really intended the film for schools, and I had told Universal Studios, who financed the film, that they probably wouldn't make their money back, but they would be doing a public service if they would allow me to show the film in schools when I finished making it, because obviously audiences would not be attracted to something that wasn't entertainment.

We sort of had it both ways. The audiences did come and see the film, and also I have been able to work with 38 States, 38 governors, and 38 boards of education to show "Schindler's List" for free in special morning screenings. Right now, over 1 million high school kids have seen the film for free. Only beginning in early April and ending in mid-June, we have been able to reach out to 1 million high school students across the country.

My goal, of course, is not just to show them the picture. My goal is to stimulate their understanding of the meaning of the word "tolerance" and to sort of teach educators how to educate about not just the Holocaust, but about slavery and tolerance, in general, because I don't believe I can go on the platform and say I am only here representing my people.

As a Jew, as a human being, more importantly, I feel that there are so many inequities that need to be taught about at the earliest levels of schools. So I thought that showing "Schindler's List" for nothing—I am trying to eventually reach 6 million high school students. We are going to reinitiate the program in September in, hopefully, this time all 50 States, and if we can get a high school kid for every Jewish person murdered by the Nazis, 6 million, to see the picture, then perhaps that will stimulate interest in everything else involving racial hatred.

I am also working on currently what I call visual testimony. I am funding an Oscar Schindler oral and visual history to try to get some of the 350,000 Holocaust survivors to come forward and be able to tell their stories on tape and then donate that tape to the Ad Vishem, to the Washington, DC, Holocaust Museum, to the Simon Wiesenthal Holocaust Museum in Los Angeles, and basically to any museum or university or high school that has a good data base that can include these testimonies because, as you know, the witnesses will all be dead in 25 years and there will only be second-generation testimony after that.

Now, that is about my own experience with the Holocaust as a Jew and with "Schindler's List." I am really interested in seeing educators teaching courses in tolerance, and I would think this should be mandated by law in high schools all across the country in every State.

Senator SIMON. As one who writes occasionally in the field of history, let me commend you for what you are doing in terms of these tapes of the survivors, and let me add to a wider audience that we ought to be doing the same for Japanese-Americans who went through the internment in 1942. We ought to be doing the same

for African-Americans who lived in the South who went through the white/colored signs and segregation so that we understand this.

I can remember reading about "Schindler's List" when they said it would be shown in a few art theaters and that it was going to have a very limited kind of viewing. Why do you think it clicked?

Mr. SPIELBERG. Well, I think that I give a lot of credit to people all around the world because it just hasn't been a success in America. As you probably know, it has been a very big success in Europe, and the biggest success it has enjoyed is in Germany and Austria. The only film that more people have seen in Germany is "Jurassic Park." [Laughter.]

It is bringing not just a closure to a lot of shame, but it is bringing a realization that parents must tell their children their culpability in World War II, their involvement, who they knew, and what happened.

Let me tell you a quick story of something that happened because this is about hate crimes and I thought this was a story that chilled my blood when I heard it. I went to the premier of "Schindler's List" in Austria and a German actor who played one of the obersturmführers in "Schindler's List" came over to me and told me a story about his father.

His father is 85 years and he is on his death bed; he is dying from cancer. When this young German actor told his father he was in a movie called "Schindler's List," his father chose that moment to come clean about what he did in the war and he explained to his son that when he was his son's age, he went to Matthausen and he was in charge of selecting Jews who were not in good health and couldn't work to be summarily exterminated.

He was transferred to Auschwitz-Birkenau. He worked at Birkenau and his job was also selections and coordinating executions and gassings. Then after that he went to Bergen-Belsen. So he worked three death camps in his career as a murderer, and he told this to his son on his death bed. His son asked him after he was finished—he said, "Father, how do you feel about this now in 1994, today?" His father thought about it and his father said, "Well, I feel I didn't kill enough of them."

To hear that story and "I feel I didn't kill enough of them," hate is so ingrained. It is a tattoo that never comes out, and that is why it is very, very important for everybody to focus on the next generation. I have 5 kids and they are mostly under the age of 10, and that is the generation I want to focus on because my family values will determine who they hate or love.

I don't think I answered your question, however. I think I got off on a tangent.

Senator SIMON. But it was a powerful answer. I expected those final sentences not to be what you said, but the reality is we don't change easily.

Mr. SPIELBERG. It was interesting because a kobe-list Jewish person whom I know made a remark that first surprised me and then it sort of made sense. He said, you know, God forgives when you are consistent, not when you change your mind with a death-bed confession, which I thought was very interesting.

Senator SIMON. Senator Brown? Incidentally, our witness has to leave here at 11:30 to grab a plane. I just mention that for all of you here and for myself.

**STATEMENT OF HON. HANK BROWN, A U.S. SENATOR FROM
THE STATE OF COLORADO**

Senator BROWN. Well, I thank you for that very moving testimony. I want to encourage you to go ahead with the project on slavery. Slavery has been a part of almost every major civilization in the history of mankind. It has been a cancer that has been diminished, but is not under control. I will look forward with great hope to what you will uncover.

I also want to ask how we get at the root cause of this hate. Simply exposing it may not really be enough. Any thoughts in that area?

Mr. SPIELBERG. Well, exposing it certainly is the first step, and strong laws to punish it is a step as well. But the cause of hate often is a cause of the American family falling apart. As we all know, the American family is in tremendous disarray. I think there is a lot of information that kids receive from television that I think is damaging.

I don't want to scapegoat on one medium, but I would just like to mention for a second that television has created the shortest attention span in American history. People don't dwell long enough to hear a good message and they often dwell too long to hear a negative one because of the sensationalizing of the negative message.

Television is on; it is a light in the house that burns brighter and longer than any light bulb. We usually turn our lights off at night, but the TV, I think, has a much longer life than a regular light bulb. I feel that unless parents start to physically take control of the channel clicker and start to care about what their children are being exposed to, often hate starts by example with some of the things we see on television when it is uncensored and when the parents don't care what the children watch. I think it is one of the problems that we have.

I remember not too many weeks ago my son was walking past the TV set. I have 5 kids; this was the 5-year-old. He was grabbed by an image from Rwanda and the image of carnage stopped him in his tracks. It was the evening news, and he was stopped by that. Now, I have seen him walk past the TV set when nice things are on and he is not arrested and stopped by nice things.

I think there is something about violence and the sensationalizing of violence or the recreating of violence that can stop the attention and focus it on something that is more negative than positive, and I just think parents need to be tremendously vigilant when they have youngsters in front of the television set.

Senator BROWN. Thank you.

Senator SIMON. Senator Hatch?

Senator HATCH. Well, again, we are very happy to have you here and appreciate the genius that you have brought to the film industry. It is my understanding that even in this land, since you produced "Schindler's List"—maybe I am wrong on this, but you have had threats on your life, is that correct?

Mr. SPIELBERG. That is correct.

Senator HATCH. To me, that is absolutely amazing, as someone who understands that a little bit, that it is happening in the freest of all lands, in this great country, too.

I was interested in your comments about the family and how important it is for us to stop the disintegration of the American family. I was interested yesterday in finding, or maybe reprinted today, that a very high percentage of young welfare mothers are on drugs, or alcohol, or have some other difficulty that is making it almost impossible for them to give the kind of example to their children that they need. It may be easier to understand their plight, but when you bring out that the average family is allowing their children to see things that really are quite negative, this helps in the tearing down of the fabric of society.

I just want to thank you for being here and thank you for the good things that you are bringing to film. I have to point out that there are a lot of films out there that are pretty negative as well.

Mr. SPIELBERG. I have made a couple myself. [Laughter.]

Senator HATCH. What does that mean?

Mr. SPIELBERG. You know, when you are making films for the reason of entertainment and you need a good guy and a bad guy, you often stack the deck against the bad guy. That is the forces of drama and we can't ever avoid that. I have made some films where I have been involved in the creation of bad guys with basically no moral base, no understanding, no comprehension. They were cardboard-cut-out bad guy villains.

Yet, you know, you have to give the audience credit for distinguishing between entertainment, a film like "Speed," for instance, where there are good guys and bad guys who are all kind of bigger than life—you look at a picture like that and I don't think that is going to hurt or damage anybody. But there are the most subtle pictures that are more reflective of real life that are more disturbing because they are more naturally made and they don't pretend to be heightened entertainment. They pretend to be realisms, and those are some of the dramas that I sometimes worry about if there is disinformation coming out of dramas that kind of sensationalizes violence in a realistic way as opposed to a Hollywood way.

Senator HATCH. Well, my experience in watching your films is that there is always a moral basis for what you do, and it comes through and I think that is important. I don't think we can ignore the fact that we have a lot of different influences in our society and sometimes they have to be portrayed on film, but it is wonderful to have a moral basis for the film itself.

I also commend you for being active in trying to see that "Schindler's List" is shown to 6 million young people in this society. I think that is a good goal and I think all of us ought to help you in every way we can to realize that goal.

Mr. SPIELBERG. I could use all the help I can get. Thank you.

Senator HATCH. Well, we hope that this hearing will help in that regard, and I hope that principals and school boards all over this country will realize that you are willing to make this film available and that their kids ought to see it.

Thank you. I just want to thank you for being here.

Mr. SPIELBERG. Thank you very much, Senator Hatch.

Senator SIMON. Senator Cohen?

Senator COHEN. Thank you, Mr. Chairman. I would like to follow up on what Senator Brown suggested, and that is that you dedicate your tremendous talents to trying to recapture the horror of slavery, and more broadly perhaps even racism in this country. I think it is one of the most serious problems that we confront and will confront into the future.

We see it contributed to in many, many ways. Senator Hatch was talking about the film-making stereotypes. Too many films, I think, project a negative stereotype of different individuals—African-Americans or Asian-Americans. I think that the media has a moral responsibility to stop promoting the kinds of stereotypes that we have seen. Time magazine is the most recent example with the photograph of O.J. Simpson. It is darkened, and it is claimed to be innocent and perhaps artistic in nature, but I don't think so. I think those who are in the business of making films and in the media business have a higher obligation than we have witnessed to date for the most part.

I also want to ask you a question about your success in Austria and Germany and Europe and the United States. I happened to be in Asia a day or two after your film received the recognition that it did at the Oscars, and you may recall reading that one country rejected the showing of your film and it was by a censor board. Most people were not aware that the censor board is much like the Federal Reserve in that country, totally independent of the government.

The board issued a public statement in which it said that this is a film in which the producers are trying to elevate one ethnic group, namely Jews, to a higher moral plain than the other ethnic group, namely Germans, and characterizing them as being evil, which is the way most of the world, I think, looks back upon what happened during World War II.

That decision shocked even government officials, and I spoke with one directly. He got your film, took it home that evening, and he looked at it until about 2 in the morning. He met with me the next morning and said, what has happened is a terrible mistake; this is a good film; there are some scenes here that might offend the Muslim world, but this is not about Jews and Germans, this is about ethnic cleansing and everybody should see this film.

He was successful in helping to overturn that censor board decision, only to have the censor board say, yes, we will treat it like any other domestic or foreign film, and so accordingly we think these 6 or 7 scenes involving nudity must be stricken. Of course, I understand your integrity as a film maker in saying that if any scene is stricken, the film won't be shown.

But I must say I think it is important that this film be seen in the Muslim world. There is concern that there is a growing level of anti-Semitism in the Muslim world. For that reason alone, I think it is imperative that the film should be shown. I leave it to you, as we must, to make that determination, but I think it is tragic that more people in the Muslim world are not exposed to this.

I don't know how it will be resolved. I know that the Philippines reversed its decision not to show it.

Mr. SPIELBERG. Yes, they did.

Senator COHEN. It may be that other countries will follow suit, but it is something that I wanted to express to you personally. I think that it is imperative that this film be seen by other ethnic groups as well.

Mr. SPIELBERG. I agree, and my feeling is this where Malaysia is concerned. My film was attacked as Zionist propaganda.

Senator COHEN. By the censor board?

Mr. SPIELBERG. Yes, exactly, so my film was attacked politically, not based on content. When that was overturned, then they went back to content and asked me to censor 27 different points of violence and nudity. The reason I haven't censored the violence and nudity is because that is the basis that we share with the world the utter and sad horror of what happened to not just 6 million Jews, but 20 million Russians as well.

I think we have to understand that if I had made a love story and Malaysia came to me and said, would you censor the nudity, I certainly would, but the nudity in "Schindler's List" isn't in the same nature as a love story. The nudity in "Schindler's List" is the greatest humiliation. By removing one clothes, you reduce thousands to basically human cattle, livestock, and that was the point that the Nazis made to prevent them from resisting and to keep them corralled until they were eventually singled out and annihilated. So I felt that the nudity in "Schindler's List" was an important component in the message and that that should, in a sense, be understood by Muslim countries as well.

Senator COHEN. Let me say you have one of the highest-ranking officials over there who agrees with you about the importance of the film, and he was not in a position to overturn everything, but he was very sensitive to it and his remark to me was, this is great film.

Mr. SPIELBERG. But do you know what is interesting? I think they will all see it on videotape eventually. [Laughter.]

Senator COHEN. Legally or illegally, yes.

Thank you, Mr. Chairman.

Senator SIMON. Senator Pressler?

STATEMENT OF HON. LARRY PRESSLER, A U.S. SENATOR FROM THE STATE OF SOUTH DAKOTA

Senator PRESSLER. Thank you very much. I join in the congratulations. Let me give you a practical problem. My wife and I live about 3 blocks from here and I have taken an interest in Washington, DC, over the years. I have worked with Howard and some of the local universities, and also been on some of the neighborhood watch patrols. We have the Orange Hats out in Anacostia, and so forth, to deter crime. Within probably a half mile of this building, we have as difficult an inner-city situation as any.

The Korean and Asian communities tend to have the small businesses and have crimes committed against them. They would very much like to have these crimes classified and treated as hate crimes in many instances. I don't know what your view of that would be, or maybe these are just ordinary robberies. I don't know, but that has been something that has been raised.

We seem to be in a hopeless syndrome here in the Nation's Capital on a racial level, and it hasn't gotten any better in the 20 years I have been here. It has probably gotten worse. What can we do?

Mr. SPIELBERG. Well, I know the problem. We all see the problem together. What is happening is a kind of self-ghettoization is occurring. You know, we all came over to America, the greatest mix of people mainly from Europe, but from all the countries came to America and we got along great with each other to begin with. You know, we talk about the great melting pot, but not everything gets melted in the melting pot.

I think that racial discrimination certainly happened 300 years ago, so this is nothing new. There always have been heinous examples of the exclusion of races, which forces and has forced since the time of slavery, and even to Reconstruction, African-Americans to basically form their own tight circles of defensiveness against prejudice which they have felt ever since they were brought here against their will.

I think that Asians, African-Americans, and Latinos are making stunning contributions to the body politic and to the fabric of America. I mean, the influence is spectacular, but there continues to be—and I feel like I am talking in the first year of high school here, but I think sometimes you have to talk at that level to get people to hear you. There just continues to be a terrible division that is forcing minorities into self-ghettoization situations.

Let me give the example I gave to Senator Simon. When I went up to Oakland—because some kids laughed at “Schindler’s List,” I went up twice to talk to the students and the second time was much more of an intimate arrangement with just myself, no media, and the 70 high school kids. I asked one of the kids why he laughed and he said he laughed simply because he didn’t think that the first execution was realistic, and I said, well, how do you know about a realistic execution is? He was 16 years old and he said to me, well, I have seen 3 people shot in the back of the head in my life, at 16 years old.

Suddenly, he became the authority. I have never seen anyone shot. I did my best to depict it as I was told it would happen, but this young man, who was the first person accused of laughing at “Schindler’s List,” claims he laughed because the violence wasn’t as real as the violence he sees every day in an existence which is not unlike Beirut, Lebanon, in these inner cities.

Senator PRESSLER. In some cases, this is not forced in the sense that at some of our leading universities, the American Indians seek a separate dormitory, or the African-Americans seek a separate dormitory or a separate living area. These are at leading American academic institutions, at the request of the groups; if not a dormitory, at least a separate area. These requests are coming from them, which seems to me totally—I just can’t understand it.

Mr. SPIELBERG. I think that many years ago after World War II, we all looked for a future. We didn’t look back at our past. We didn’t explore our roots. We looked directly into the face of the future and we said please welcome us because we are ready to start new lives. This is all of us baby-boomers.

I think what has happened is just the jobless rate, with the economy the way it is, just the people who are the homeless people who

we see all the time in Santa Monica where I live—we have a tremendous homeless rate in Santa Monica. People are now starting not to look forward anymore to a happy future. They are starting to look back at their roots and they are starting to take some kind of solace in looking back and going back to tribalisms with the Jews and with Latinos and with blacks and with Asians.

It is kind of like forming little countries within countries, and I think we have to start with education and educating people about their pasts so they can better appreciate what they have to look forward to in their futures.

Senator PRESSLER. Thank you, Mr. Chairman.

Senator SIMON. Mr. Spielberg, do you have a teacher's manual for—

Mr. SPIELBERG. Yes, I do.

Senator SIMON. I really think the message of your film is so powerful. Senator Cohen mentioned Muslims. Here in our country today, we have more Muslims than Presbyterians. We have more Buddhists than Episcopalians. We are becoming more diverse and we have to understand one another, and I just think your film can be a powerful thing.

I would like to just make one other comment because you mentioned your 5-year-old being gripped by that television scene of violence. Once in a while when I have worked on this problem on television violence—and one of the great things is the industry itself is getting a hold of this now. That is infinitely better than the U.S. Government saying to the industry: you have to do this.

Mr. SPIELBERG. I agree, yes.

Senator SIMON. Once in a while they say, well, you don't want to eliminate all violence. "Schindler's List" is violent. I wouldn't want to have it on the television at 7 at night, frankly. Maybe you and I would differ on that; probably not. But it is the glorification of violence that is wrong, and it is fine to do the job you do in self-censoring, but a lot of parents can't do that. Particularly in inner-city areas where you live in a highrise, the kids are afraid to go out and play and they watch, on the average, 11 hours more of television than the average child in the United States. That is where this thing becomes a problem.

Mr. SPIELBERG. I wish there would be opportunities for schools to open up their classrooms to people who have been in the experience of being put down and isolated and set aside because of their differences to the majority. I wish the schools, in teaching tolerance as a course that encompasses everything, would have people coming into the classrooms and speaking to the kids.

I know that that didn't happen at all when I was growing up. I went through the public school system. The only time anybody ever came to my school was a member of the armed services who tried to recruit us into the Army, Air Force, Navy, or Marines, and that was the only visitor I remember having from a professional field come to my classroom.

Yet, if you look at the software that we are now producing, the educational software, I hope some day the classrooms—public schools, lower-income schools, private schools—can all have cabling so classrooms and teachers can be augmented so they can have wonderful software programs to help them teach in a very stimu-

lating way that will get kids interested in group projects together because when everybody of different persuasions is working on the same project, then all the differences and all the prejudices somehow miraculously vanish. I would just hope there would be a lot more interaction in that regard.

Senator SIMON. Let me just say finally, I was thinking as you were responding to questions of my colleagues, which one person in this decade has done the most to get across the need for understanding and tolerance. I can be corrected by my colleagues, but I think the answer has to be Steven Spielberg. I really appreciate what you have done and are doing for this country and for humanity, and we are grateful to you for coming and testifying.

Mr. SPIELBERG. Thank you.

Senator SIMON. We will take a 2-minute recess and then continue our hearing.

Mr. SPIELBERG. Thank you.

[Recess.]

Senator SIMON. Our hearing will resume. Our panel of witnesses are Steven Pomerantz, Assistant Director for the Criminal Justice Information Services Division of the FBI; Phillip Lyons, the deputy attorney general for training and standards for the State of North Carolina. Our third witness I am going to ask the Senator from Utah to introduce.

Senator HATCH. Well, we are happy to welcome our mayor from Salt Lake City, Deedee Corradini, who is doing a terrific job out there and I think doing a great job in this area as well. So we are very happy to have you with us, Deedee, and we hope you enjoy testifying here today.

Mayor CORRADINI. Thank you.

Senator HATCH. Thank you, Mr. Chairman.

Senator SIMON. We will follow the 5-minute rule on testimony. We will enter your full statements in the record. We would like to move to questions as soon as possible. Unless you have a preference, I am going to start with you, Mr. Pomerantz.

PANEL CONSISTING OF STEVEN L. POMERANTZ, ASSISTANT DIRECTOR, CRIMINAL JUSTICE INFORMATION SERVICES DIVISION, FEDERAL BUREAU OF INVESTIGATION; HON. DEEDEE CORRADINI, MAYOR, SALT LAKE CITY, UT, AND TRUSTEE, U.S. CONFERENCE OF MAYORS; AND PHILLIP J. LYONS, DEPUTY ATTORNEY GENERAL FOR TRAINING AND STANDARDS, STATE OF NORTH CAROLINA DEPARTMENT OF JUSTICE, ON BEHALF OF THE INTERNATIONAL ASSOCIATION OF DIRECTORS OF LAW ENFORCEMENT STANDARDS AND TRAINING

STATEMENT OF STEVEN L. POMERANTZ

Mr. POMERANTZ. Good morning, Senator Simon and members of the subcommittee. I appreciate the opportunity to offer testimony regarding the implementation progress of the Hate Crimes Statistics Act. In particular, I will focus on law enforcement's participation in the National Hate Crime Data Collection, a component of the FBI's Uniform Crime Reporting Program.

As you are aware, the Hate Crimes Statistics Act was signed into law on April 23, 1990, and the Attorney General then delegated the development and implementation of the act to the FBI's Uniform Crime Reporting Program for incorporation among its 16,000 voluntary law enforcement agency participants. In view of the fact that no additional funding was provided, all expenditures for implementation of the act were reprogrammed from other FBI resources.

Also, the act does not compel State and local law enforcement participation, nor does it provide compensation to local law enforcement agencies for data collection expenses. Participation in the National Hate Crimes Data Collection by law enforcement entities, as you are aware, is voluntary.

In light of these circumstances, the FBI has made and continues to make a concerted effort to explain the purpose of the Hate Crimes Statistics Act and promote law enforcement's active involvement. The National Hate Crimes Data Collection project was developed with considerable support from several law enforcement agencies and professional organizations, as well as with developmental assistance from a multitude of human interest and victim advocacy organizations which have demonstrated a longstanding concern for the implementation of a credible national hate crime data collection process.

As a means to lessen the reporting burdens placed on law enforcement, the FBI consolidated the National Hate Crimes Data Collection project within the existing uniform crime report summary and National Incident-Based Reporting systems. In accordance with the act's provisions, uniform standards and procedures have been developed which define and help identify criminal offenses that are motivated by the offender's bias against the victim's race, religion, ethnicity, or sexual orientation.

For the first time in our Nation's history, we have a national law enforcement process established to measure incidents of reported hate crimes. Under the established UCR guidelines, hate crimes are not viewed as separate, distinct offenses. Instead, they are viewed as traditional crimes which are motivated by the offender's racial, religious, ethnic, or sexual orientation bias.

Due to the difficulty of determining offender motivation, hate crime is reported only if the law enforcement investigation determines sufficient objective facts to lead a reasonable and prudent person to conclude that the offender's actions were motivated in whole or in part by bias.

Since its inception, an integral element of the National Hate Crime Data Collection has been the education and training of law enforcement officers in the investigation, identification, reporting, and appropriate handling of hate crimes. As an aside, I might say that one of the real rewarding aspects of this, Mr. Chairman, has been the sensitivity that this has engendered among law enforcement professionals, and we hear this repeatedly through the training that we offer, the sensitivity that law enforcement officers have become aware of as a result of the training that we have implemented.

Senator SIMON. If I may interrupt you, and forgive me for doing so, I think that is absolutely correct, something we didn't even think of when we wrote the legislation.

Mr. POMERANTZ. Certainly, we didn't anticipate that, no, sir.

Senator SIMON. Senator Hatch, I think it is one of the things that we really can appreciate about what the FBI is doing here.

Mr. POMERANTZ. To date, the FBI has conducted 52 hate crime training conferences across the United States. A total of 3,144 personnel from over 1,000 local, State, and Federal law enforcement agencies have been trained. Following the concept of training the trainers, many recipients are supervisory and training personnel responsible for educating their agencies. In addition, we have conducted 15 executive overviews for law enforcement executives around the country.

We have recently completed a new hate crimes video, and the video will be distributed shortly and it discusses not only the Hate Crimes Statistics Act, but it also discusses methods of dealing with the victims of hate crimes, again attempting to increase sensitivity among law enforcement personnel for the people who have been victimized in this manner.

In response to our efforts to implement the Hate Crimes Statistics Act, the law enforcement community has reacted admirably, as evidenced by its increasing involvement in the data collection process, and I know you referred to that earlier, Mr. Chairman.

Senator SIMON. I took some of your time, so don't pay attention to that red light.

Mr. POMERANTZ. During 1991, the first full year of the National Hate Crime Data Collection, a total of 2,771 agencies in 32 States submitted data. In 1992, 6,181 agencies participated in 41 States and the District of Columbia, representing over 129 million U.S. inhabitants, or approximately 51 percent of the population. Preliminary data for 1993 reflects that 6,840 agencies in 46 States and the District of Columbia submitted data, representing over 144 million inhabitants, or 56 percent of the U.S. population, an increase of about 15 million, or 5 percent, over the 1992 figures.

I would like to provide the subcommittee with the newly completed 1993 preliminary hate crimes report. Some of the salient findings are as follows. A total of 7,684 hate crime incidents were reported to law enforcement. Detailed information was submitted for 6,746 incidents which involved 7,969 separate offenses against 8,293 victims by 7,421 known offenders. About 70 percent of the reported offenses were crimes against persons, such as murder, forcible rape, aggravated assault, simple assault, and intimidation. Twenty persons were murdered in reported hate crime incidents.

Intimidation was the most frequently reported hate crime, constituting 35 percent of the total offenses. Following were damage, destruction, or vandalism of property at 25 percent, simple assault at 19 percent, and aggravated assault at 16 percent. Of the reported incidents 62 percent were motivated by racial bias. Religious bias accounted for 18 percent of the reported incidents. Sexual orientation bias constituted 12 percent of reported incidents. Ethnicity and national origin accounted for 8 percent of reported incidents.

As more States and law enforcement agencies join the National Hate Crime Data Collection, the accrued data will bring increased

awareness and understanding of the nature and extent of hate crime in America. The relevance of these data to law enforcement and the American public warrants its continued collection beyond the time limits set forth in the act. Accordingly, FBI Director Louis Freeh has made the accumulation of hate crimes data a permanent function of our Uniform Crime Reporting Program.

The FBI continues to encourage the full participation of each State and law enforcement agency to join the data collection. Significantly, in those States that are converting to the enhanced National Incident-Based Reporting System, the collection of hate crime data will coincide with the new system's implementation.

I am pleased to report that Illinois has been an innovator in the collection of hate crime data, as well as the National Incident-Based Reporting System. Illinois is among 8 States—Colorado, Idaho, Illinois, Iowa, North Dakota, South Carolina, Utah, and Vermont—that have successfully converted from summary to national incident-based reporting.

Mr. Chairman and members of the subcommittee, the FBI is proud of its role in this effort. As we meet here this morning, I think you are aware that Director Freeh has just concluded remarks in a speech in Berlin in which, among other important issues, he touched upon the worldwide significance of hate crimes, and he also mentioned the act in discussing the number of hate crimes and the collection of data in the United States.

Certainly, in my own 26-year career in the FBI, I have seen firsthand in the late 1960's in Alabama, later on in Detroit, and most recently as the agent in charge of our Seattle field office, where, as you may recall, in 1989 a conspiracy to bomb was hatched by the Arien Nation in which they were going to conduct a series of bombings in Seattle itself among the whole gamut of minority communities that live in that area—we were able to successfully interdict that bombing on the very night that they were planning to put down the first in a series of explosive devices.

In the following days, to see the impact that a hate crime can have on a community beyond those who are physically endangered was truly an educational and very enlightening experience. The fear, the apprehension, the concern, the self-doubt that I saw in the minority communities whom I dealt with in the days following that arrest was one of the most moving and significant experiences of my law enforcement career. So I assure you of the FBI's continued active participation in this effort, and my thanks to you for this opportunity this morning and I am prepared to answer any questions, sir.

[The prepared statement of Mr. Pomerantz follows:]

PREPARED STATEMENT OF STEVEN L. POMERANTZ

Good morning Senator Simon and members of the Subcommittee, I appreciate the opportunity to offer testimony regarding the implementation progress of the Hate Crime Statistics Act. In particular, I will focus on law enforcement's participation in the national Hate Crime Data Collection, a component of the FBI's Uniform Crime Reporting (UCR) Program.

As you are aware, the Hate Crime Statistics Act was signed into law on April 23, 1990. Briefly, the Act requires the Attorney General to establish reporting guidelines for the collection of data regarding crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity. The Act stipulates that the data be acquired for calendar year 1990 and each of the succeeding 4 calendar

years. In addition, the Act mandates the Attorney General to publish an annual summary of the acquired data.

The Attorney General delegated the development and implementation of the Act to the FBI's UCR Program for incorporation among its 16,000 voluntary law enforcement agency participants. In view of the fact that no additional funding was provided, all expenditures for the national Hate Crime Data Collection were reprogrammed from the FBI's existing budget. In addition, the Act does not compel state and local law enforcement participation nor does it provide compensation to law enforcement agencies for data collection expenses. Participation in the national Hate Crime Data Collection by law enforcement entities is voluntary.

In light of these circumstances, the FBI has made and continues to make a concerted effort to explain the purpose of the Hate Crime Statistics Act and promote law enforcement's active involvement. The National Hate Crime Data Collection Project was developed with considerable support from several law enforcement agencies and professional organizations (Maryland State Police, Baltimore County Police Department, Boston Police Department, New York City Police Department, Chicago Police Department and the following organizations, International Association of Chiefs of Police, the National Sheriffs' Association, the UCR Data Provider's Advisory Policy Board, the International Association of Directors of Law Enforcement Standards and Training, and the Association of State Uniform Crime Reporting Programs).

Developmental assistance was also obtained from a multitude of human interest and victim advocacy organizations which have demonstrated considerable concern for the implementation of a credible national hate crime data collection process.

As a means to lessen the reporting burdens placed upon law enforcement, the FBI consolidated the National Hate Crime Collection Project within the existing UCR Summary and National Incident-Based Reporting Systems. In accordance with the Act's provisions, uniform standards and procedures have been developed which define and help identify criminal offenses that are motivated by the offenders' bias against the victims' race, religion, ethnicity, or sexual orientation. For the first time in our Nation's history, we have a national law enforcement process established to measure incidents of reported hate crime.

Under the established UCR guidelines, hate crimes are not viewed as separate, distinct offenses. Instead, they are viewed as traditional crimes which are motivated by the offenders' racial, religious, ethnic, or sexual orientation bias. Due to the difficulty of determining offender motivation, hate crime is reported only if the law enforcement investigation determines sufficient objective facts to lead a reasonable and prudent person to conclude that the offender's actions were motivated, in whole or in part, by bias.

Since its inception, an integral element of the National Hate Crime Data Collection has been the education and training of law enforcement officers in the investigation, identification, reporting, and appropriate handling of hate crime. Training has assisted the Nation's law enforcement community in recognizing the significance of the national data collection project. The training explains the devastating effects of hate crime upon its individual victims, the targeted groups, and the broader community. The training strongly advocates the need for extending empathy to the victims. Similarly, maintaining close ties with targeted groups has generated good will and improved trust between law enforcement and the people who are in particular need of police protection. Preventive and proactive measures are also discussed during training as a means to curtail hate crime.

To date, the FBI has conducted 52 Hate Crime Training Conferences across the United States. A total of 3,144 personnel from 1,010 local, state, and federal law enforcement agencies have been trained. Following the concept of training the trainers, many recipients are supervisory and training personnel responsible for educating their agencies. In addition, 15 Executive Overviews have been conducted for chief law enforcement executives.

The FBI has recently completed a new Hate Crime Training Video. The video discusses the Hate Crime Statistics Act and provides several examples of hate crime incidents and appropriate responses. The film will be distributed to state UCR Programs, law enforcement agencies, and other interested groups.

In response to our efforts to implement the Hate Crime Statistics Act, the law enforcement community has reacted admirably as evidenced by its increasing involvement in the data collection process.

During 1991, the first full year of the National Hate Crime Data Collection, a total of 2,771 agencies in 32 states submitted data.

In 1992, 6,181 agencies participated in 41 states and the District of Columbia (an increase of 3,410 agencies), representing over 129 million United States inhabitants or approximately 51 percent of the population.

Preliminary data for 1993, reflects that 6,840 agencies in 46 states and the District of Columbia submitted data (an increase of 659 agencies from 1992), representing over 144 million inhabitants or 56 percent of the U.S. population (a respective population increase of about 15 million or 5 percent, over the 1992 figures).

I would like to provide the Subcommittee with the newly completed 1993 Preliminary Hate Crime Report. Some of the salient findings are provided:

- A total of 7,684 hate crime incidents were reported.
- Detailed information was submitted for 6,746 incidents which involved 7,969 separate offenses against 8,293 victims by 7,421 known offenders.
- Seventy percent of the reported offenses were crimes against persons (murder, forcible rape, aggravated assault, simple assault, and intimidation).
- Twenty persons were murdered in reported hate incidents.
- Intimidation was the most frequently reported hate crime constituting 35 percent of the total offenses. Following were damage/destruction/vandalism of property at 25 percent; simple assault at 19 percent; and aggravated assault at 16 percent.
- Sixty-two percent of reported incidents were motivated by racial bias.
- Religious bias accounted for 18 percent of the reported incidents.
- Sexual orientation bias constituted 12 percent of reported incidents.
- Ethnicity/national origin bias accounted for 8 percent of reported incidents.

As more states and law enforcement agencies join the National Hate Crime Data Collection the accrued data will bring increased awareness and understanding of the nature and extent of hate crime in America. The relevance of these data to law enforcement and the American public warrants its continued collection beyond the time limits mentioned in the Act. Accordingly, FBI Director Louis J. Freeh has made the accumulation of hate crime data a permanent function of the UCR Program.

The FBI continues to encourage the full participation of each state and law enforcement agency to join the data collection. Significantly, in those states that are converting to the enhanced National Incident-Based Reporting System, the collection of hate crime data will coincide with the new system's implementation.

I am pleased to report that Illinois has been an innovator in the collection of hate crime data (since 1991), as well as the National Incident-Based Reporting System. Illinois is among 8 states, Colorado, Idaho, Illinois, Iowa, North Dakota, South Carolina, Utah, and Vermont that have successfully converted from Summary to National Incident-Based Reporting.

The accomplishments of law enforcement and of this Subcommittee in identifying and taking measures to combat hate crime are commendable. The FBI takes great pride in its involvement in this worthwhile endeavor and we will continue to strive to fulfill the mandates of the Hate Crime Statistics Act.

Thank you for the privilege of appearing before the Subcommittee to discuss this important legislation. I will be happy to answer any questions.



Criminal Justice Information Services Uniform Crime Reports

FOR RELEASE JUNE, 1994

Preliminary figures show over 7,600 hate crime incidents reported to the FBI during 1993. The incidents were reported by about 6,850 law enforcement agencies in 46 states and the District of Columbia. Participating agencies covered 56 percent of the U.S. population.

Detailed information was available for 6,746 of the 7,684 incidents reported. Sixty-two percent of the incidents were motivated by racial bias; 18 percent by religious bias; 12 percent by sexual-orientation bias; and the remainder by ethnicity/national origin bias. The 6,746 incidents involved 7,969 separate offenses, 8,293 victims, and 7,421 known offenders.

Crimes against persons composed 70 percent of hate crime offenses reported.

Intimidation was the single most frequently reported hate crime, accounting for 35 percent of the total. Following were damage/destruction/vandalism of property, 25 percent; simple assault, 19 percent; and aggravated assault, 16 percent. Twenty persons were murdered in hate-motivated incidents.

Eighty-two percent of the 8,293

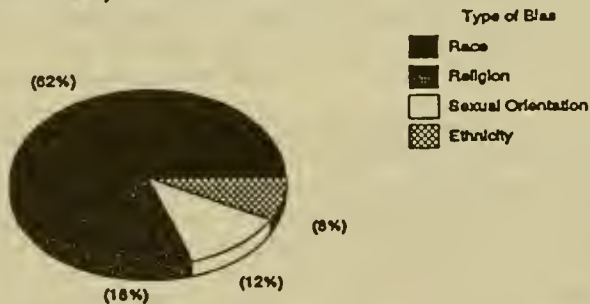
reported hate crime victims were individuals; the remaining 18 percent were businesses, religious organizations, and varied other targets. Six of every 10 victims were targeted because of their race.

Law

enforcement agencies reported 7,421 known offenders to be associated with the 6,746 incidents. Fifty-one percent of the known offenders were white, and 35 percent were black. Offenders were unknown for 2,808 or 42 percent of the incidents.

Bias Motivation

Hate crime by bias motivation.



Hate Crime - 1993

Table 1. - Agency Hate Crime Reporting by State, 1993

| Participating States | Number of Participating Agencies | Population Covered | Agencies Submitting Incident Reports | Total Number of Incidents Reported |
|----------------------|----------------------------------|--------------------|--------------------------------------|------------------------------------|
| Alabama | 4 | 587,091 | 4 | 5 |
| Alaska | 1 | 250,720 | 1 | 16 |
| Arizona | 89 | 3,827,182 | 14 | 208 |
| Arkansas | 187 | 2,425,955 | 5 | 13 |
| California | 10 | 1,424,729 | 8 | 336 |
| Colorado | 199 | 3,344,344 | 12 | 166 |
| Connecticut | 39 | 1,685,172 | 39 | 115 |
| Delaware | 49 | 697,596 | 8 | 33 |
| District of Columbia | 1 | 578,000 | 1 | 9 |
| Florida | 374 | 8,567,650 | 62 | 237 |
| Georgia | 4 | 402,877 | 4 | 73 |
| Idaho | 110 | 1,099,000 | 25 | 65 |
| Illinois | 620 | 10,205,944 | 149 | 685 |
| Indiana | 52 | 882,431 | 9 | 77 |
| Iowa | 190 | 2,347,507 | 16 | 22 |
| Kansas | 1 | 15,784 | 0 | 0 |
| Kentucky | 3 | 67,374 | 1 | 4 |
| Louisiana | 58 | 2,446,878 | 5 | 23 |
| Maine | 6 | 188,068 | 6 | 32 |
| Maryland | 153 | 4,965,000 | 41 | 401 |
| Massachusetts | 135 | 3,331,821 | 47 | 343 |
| Michigan | 550 | 9,176,080 | 63 | 239 |
| Minnesota | 66 | 2,424,186 | 1 | 377 |
| Mississippi | 17 | 164,493 | 0 | 0 |
| Missouri | 79 | 1,853,295 | 13 | 165 |
| Montana | 18 | 301,533 | 4 | 16 |
| Nevada | 4 | 791,061 | 1 | 11 |
| New Hampshire | 1 | | 0 | 0 |
| New Jersey | 317 | 6,449,797 | 317 | 1,100 |
| New Mexico | 13 | 519,869 | 1 | 2 |
| New York | 571 | 18,155,930 | 70 | 934 |
| North Carolina | 6 | 524,984 | 6 | 10 |
| North Dakota | 2 | 8,319 | 1 | 1 |
| Ohio | 125 | 3,612,039 | 21 | 183 |
| Oklahoma | 9 | 995,784 | 9 | 59 |
| Oregon | 279 | 3,061,194 | 32 | 235 |
| Pennsylvania | 944 | 12,729,822 | 1 | 400 |
| Rhode Island | 45 | 1,000,000 | 11 | 48 |
| South Carolina | 27 | 968,686 | 27 | 41 |
| South Dakota | 3 | 170,354 | 3 | 3 |
| Tennessee | 52 | 636,698 | 1 | 1 |
| Texas | 879 | 18,021,904 | 101 | 411 |
| Utah | 111 | 1,443,609 | 7 | 25 |
| Virginia | 20 | 2,994,833 | 20 | 80 |
| Washington | 207 | 5,221,753 | 53 | 452 |
| Wisconsin | 161 | 3,263,687 | 12 | 19 |
| Wyoming | 49 | 384,243 | 5 | 9 |
| Total | 6,840 | 144,215,276 | 1,235 | 7,684 |

¹Not available.²Reporting agency is New Hampshire State Police to whom no population is attributed.

Table 2. - Number of Incidents, Offenses, Victims, and Offenders by Offense Category, 1993

| Offense Category | Number of Incidents ¹ | Number of Offenses | Number of Victims | Number of Known Offenders ¹ |
|------------------------------|----------------------------------|--------------------|-------------------|--|
| <i>Total</i> ¹ | 6,746 | 7,969 | 8,293 | 7,421 |
| Crimes against Persons: | 4,460 | 5,611 | 5,611 | 6,153 |
| Murder | 15 | 20 | 20 | 28 |
| Forcible Rape | 13 | 15 | 15 | 18 |
| Aggravated Assault | 944 | 1,296 | 1,296 | 2,179 |
| Simple Assault | 1,249 | 1,504 | 1,504 | 2,069 |
| Intimidation | 2,239 | 2,776 | 2,776 | 1,859 |
| Crimes against Property: | 2,262 | 2,332 | 2,656 | 1,233 |
| Robbery | 144 | 148 | 188 | 349 |
| Burglary | 70 | 72 | 85 | 34 |
| Larceny-theft | 47 | 53 | 63 | 47 |
| Motor Vehicle Theft | 7 | 7 | 7 | 8 |
| Arson | 45 | 45 | 49 | 28 |
| Destruction/Damage/Vandalism | 1,949 | 2,007 | 2,264 | 767 |
| Other: ² | 24 | 26 | 26 | 35 |

¹ Incidents and Offenders are categorized by the most serious offense reported.

² Data are not available for 161 incidents recorded in Florida, 377 in Minnesota, and 400 in Pennsylvania.

³ Other offenses include those against persons and/or property.

Table 3. - Number of Known Offenders by Race, 1993

| Suspected Offender's Race | Number of Offenders |
|--------------------------------|---------------------|
| <i>Total</i> ¹ | 7,421 |
| White | 3,797 |
| Black | 2,599 |
| American Indian/Alaskan Native | 42 |
| Asian/Pacific Islander | 81 |
| Multi-Racial Group | 398 |
| Unknown | 504 |

¹ Incidents where the number of offenders was unknown were not included in these tabulations.

² Offender data are not available for 161 incidents recorded in Florida, 377 in Minnesota, and 400 in Pennsylvania.

Table 4. - Number of Incidents, Offenses, Victims, and Offenders by Bias Motivation, 1993

| Bias Motivation | Number of Incidents | Number of Offenses | Number of Victims | Number of Known Offenders |
|--------------------------------------|---------------------|--------------------|-------------------|---------------------------|
| <i>Total</i> | <i>6,746</i> | <i>7,969</i> | <i>8,293</i> | <i>7,421</i> |
| Racial: | 4,168 | 5,085 | 5,288 | 5,419 |
| Anti-White | 1,299 | 1,600 | 1,637 | 2,544 |
| Anti-Black | 2,476 | 2,985 | 3,117 | 2,421 |
| Anti-American Indian/Alaskan Native | 24 | 36 | 40 | 45 |
| Anti-Asian/Pacific Islander | 236 | 274 | 293 | 254 |
| Anti-Multi-Racial Group | 133 | 190 | 201 | 155 |
| Ethnicity/National Origin: | 583 | 701 | 735 | 645 |
| Anti-Hispanic | 329 | 414 | 446 | 451 |
| Anti-Other Ethnicity/National Origin | 254 | 287 | 289 | 194 |
| Religion: | 1,189 | 1,245 | 1,287 | 363 |
| Anti-Jewish | 1,054 | 1,104 | 1,146 | 290 |
| Anti-Catholic | 30 | 31 | 31 | 15 |
| Anti-Protestant | 25 | 25 | 25 | 11 |
| Anti-Islamic | 11 | 13 | 13 | 6 |
| Anti-Other Religion | 55 | 58 | 58 | 15 |
| Anti-Multi-Religious Group | 11 | 11 | 11 | 23 |
| Anti-Atheism/Agnosticism/etc. | 3 | 3 | 3 | 3 |
| Sexual Orientation: | 806 | 938 | 983 | 994 |
| Anti-Male Homosexual | 582 | 665 | 682 | 776 |
| Anti-Female Homosexual | 111 | 133 | 140 | 94 |
| Anti-Homosexual | 84 | 111 | 132 | 99 |
| Anti-Heterosexual | 28 | 28 | 28 | 25 |
| Anti-Bisexual | 1 | 1 | 1 | 0 |

¹Data are not available for 161 incidents recorded in Florida, 377 in Minnesota, and 400 in Pennsylvania.

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Senator SIMON. We thank you for what you are doing.

We will skip the 5-minute rule for the two of you also here now. Mayor Corradini, we are very pleased to have you here on behalf of the mayors of the Nation.

STATEMENT OF DEEDEE CORRADINI

Mayor CORRADINI. Thank you, Senator Simon. Senator Hatch, it is always good to see you. I am here representing the U.S. Conference of Mayors both as a trustee and as a member of the Task Force on Violence and Crime, and obviously also as the mayor of my own city, Salt Lake City.

The Conference of Mayors has a long record of opposition to racism and hate crimes and support for civil rights legislation and prejudice-reduction efforts. Our most recent activities are, in 1992, we did a joint report with the Anti-Defamation League on combating hate crimes in American cities, and we adopted a policy resolution back in 1992 on racism and hate crimes. At our most recent 1994 annual meeting just 2 weeks ago in Portland, OR, we expanded our earlier position and adopted further policies on hate crimes and prejudice-reduction efforts.

Our conference positions with the mayors around the country are several-fold, some of which are that mayors and other government officials should actively oppose, in word and deed, expressions of racism and any form of bigotry. Mayors need to exercise leadership in their own individual communities in addressing hate crimes. We need to be working with our police departments to adopt written policies to address hate crimes and participate in the Hate Crimes Statistics Act collection process, and I am pleased to hear that you mentioned Utah was one of those States.

We also need to be developing community-based programs and talk about cultural diversity in our communities. We need to encourage the FBI to give us educational programs for our local police departments in terms of how to identify, report, and respond to hate crimes. Candidates for public office should not get involved in any appeals to prejudice or take support from any organization that promotes prejudice of any sort.

I will let you take a look at this report for the data that is in there. It does cover 157 cities, and indicates that as of 1992, 71 percent of those cities had begun to report data to the FBI, but a disturbing trend was noted that between 1990 and 1991 we did have an increase in hate crimes in 36 percent of our cities. We are, as a conference, hoping to update this survey this year so we will have more reliable data as we move forward.

We feel as though we have made progress, but have a considerable way to go. We do need help from the Federal Government. We need the FBI to get more involved at the local level. Oftentimes, as cities we find that help goes to the State level, but doesn't necessarily always get down to the level of our cities, and certainly the same goes for educational departments. It has been mentioned on several occasions this morning the importance of education and getting to children young.

Personally, I certainly understand what it is like to be a minority. I grew up in Beirut, Lebanon, and Syria and spent my entire childhood in those two countries. In Salt Lake City, since I have

been mayor we have taken this issue very, very seriously. Many people don't think Salt Lake City has some of these crime and hate and violence problems as other cities around the country. The fact of the matter is we do. It is all relative, but we take it extremely seriously.

Our feeling has been we have to attack this problem at all stages and in every way, in a comprehensive way, in our communities. Starting with our police department, we had a written policy starting back in 1992. We have been pushing hiring minorities. I was very fortunate to encourage Chief Ruben Ortega, who had been the police chief of Phoenix for 11 years and is an Hispanic, to come and be our police chief in Salt Lake City. He has been a marvelous addition to our community. We have been pushing hiring of minorities, cultural diversity training for our police officers. We have community affairs officers out in our neighborhoods working with our communities.

But we also feel that we have to attack this problem and the whole issue of youth violence and crime in our neighborhoods, and so we have made a major attempt to organize our neighborhoods. In our most diverse neighborhood where we have a lot of racial tensions in Salt Lake City, and they tend to be increasing, we have gone in and organized block captains block by block. We now have 250 block captains. We have community councils that we are actively working with.

We have organized our churches into an interfaith council and gotten the commitment of the leader of every church in this neighborhood to work together on a regular basis to address these issues. As a city, we are doing everything we can to celebrate diversity through gatherings of the community and regular meetings with minority group leaders.

An interesting point that was brought up earlier, I believe, by Mr. Pressler was that we tend to have different minorities wanting to be separate and have their separate dorms. I discovered that in our city that the Hispanic population wanted to do all of their celebrations at the Centro Civico Mexicano and not share what they are doing with the rest of the community, and the Native American population doing their pow-wows on their own.

What we have done in meeting with the minority groups on a regular basis, as I now do, is to say we need to share that with each other. We have a plaza in Salt Lake City that has been operational for the last year where the whole community comes together as a gathering place. The Native Americans are going to do a pow-wow in downtown Salt Lake City, and we will publicize that and get the rest of the community to come; likewise with the Latinos, and so on.

We have a living traditions festival that started about 7 years ago on Washington Square at city hall where we invite all of our minority groups to come forward once a year and share their food and dances and music, and it has grown every year and become a major tradition in our city.

With our teenagers, moving down a level, we are dealing with 2,000 identified gang members in Salt Lake City. Many of these gangs are separated along racial lines. We have developed a late-night basketball league, which has been very successful, where we

are doing mentoring and working on hate and violence and working on anger management, and a girl's night out program, again, where we are working using art projects, sports, and other activities, but actually dealing in workshops with anger management.

Down to the elementary school level, we have our DARE program and our GREAT program, Gang Resistance Through Education and Training, where we teach about cultural diversity, self-esteem, and anger management to try to deal with some of these issues. When you have 4th, 5th, and 6th graders already talking about which gang they are going to join, we have got to get to younger and younger children.

So at Edison Elementary School, a principal who is very enlightened now has all his minority students in the school involved in—they came up with an hour-long program where each different ethnic or racial group put together their own skit, their own songs, dances and native costumes, and they now take that to every elementary school in Salt Lake City and the kids are mesmerized by this hour-long show.

We have an art teacher at Lincoln Elementary who does a program called Kids Against Violence, where very violent kids from 1st through 6th grade come together, because they are too violent to be outdoors during recess, and now spend their time working out their anger through art and other ways in that program.

So there are many good ideas that are going on in the cities of this country. I guess my plea to you would be that oftentimes the Federal Government tries to dictate to us what we need to do. Each city is different, each of our problems are different. We need your help as a partner.

I have got to put in a pitch for the crime bill which is coming up. There is a Local Partnership Act which is part of the House bill. The cities of America feel this is critical to have in the conference agreed to by the Senate because that is an aspect of the crime bill that will get money directly into the cities for these types of programs. We are always scrounging for money to try to get some of these programs going in the elementary schools.

So, in conclusion, I would like to say, Senator Simon and Senator Hatch, the problems of America are in the cities of America, and they are going to be solved one city at a time, one neighborhood at a time, one family at a time, and one child at a time.

Thank you very much.

[The prepared statement of Mayor Corradini follows:]

PREPARED STATEMENT OF DEEDEE CORRADINI

Senator Simon, members of the Subcommittee, I am Deedee Corradini, Mayor of Salt Lake City and Trustee of The U.S. Conference of Mayors. I am also a member of the Conference's Task Force on Violence and Crime.

The U.S. Conference of Mayors has a long record of opposition to racism and hate crimes and support for civil rights legislation and prejudice reduction efforts. Among our more recent activities: In 1992 we did a report jointly with the Anti-Defamation League on Combatting Hate Crimes in America's Cities. That year as well we adopted a policy resolution on racism and hate crimes. At our 1994 annual meeting, held just two weeks ago in Portland (OR), we expanded our earlier position and adopted further policy on hate crimes and prejudice reduction initiatives. Let me first brief you on our positions in this area and then on the results of our 1992 report.

CONFERENCE OF MAYORS POLICY ON HATE CRIMES

The Conference of Mayors believes that:

- Mayors and other government officials should actively oppose, in word and deed, expressions of racism, anti-Catholicism, anti-Semitism, homophobia and other forms of bigotry.
- Mayors should exercise leadership in addressing hate crimes in their communities. They should condemn hate violence, press for enactment and vigorous enforcement of penalty-enhancement hate crime laws, and direct local police departments to participate fully in the Hate Crime Statistics Act's data collection process.
- Cities and their police departments should adopt a written policy to respond effectively to hate violence in a priority manner.
- Cities should establish an integrated hate crime response network, including liaisons to local prosecutors, city or county human rights commissions, human relations groups, and private victim advocacy organizations.
- Community-based programs should be developed and funded which help people develop respect for cultural diversity and acceptance of cultural differences.
- The Federal Bureau of Investigation should continue and expand its outreach and educational programs for local police officers on identifying, reporting and responding to hate crimes.
- Our organization should continue to work with Congress, the FBI, public officials and the law enforcement community to ensure that gains in public awareness and improved public response to hate violence continue and that the number of law enforcement agencies participating in the FBI's Hate Crimes Statistics Act program expands.

In addition, we believe that candidates for public office should conduct their campaigns without any appeals to prejudice based on race, religion, gender, national origin or sexual discrimination, and repudiate, immediately and publicly, support from any organization or group which appeals to prejudice based on race, religion, gender, national origin or sexual preference.

ADDRESSING RACIAL AND ETHNIC TENSIONS: COMBATTING HATE CRIMES IN AMERICA'S CITIES

At the request of the Conference's Human Development Committee, the Conference of Mayors and Anti-Defamation League jointly conducted a survey in 1992 to determine 1) how local police departments are organized to address issues relating to hate crimes and if they are implementing the federal Hate Crime Statistics Act and 2) how the hate crime problem is perceived in cities and whether reported incidents are increasing. For the 157 cities that participated in the survey we found that:

- Police departments in 71 percent of the survey cities had begun to report data to the FBI on hate crimes specified in the federal Hate Crimes Statistics Act.
- Police departments in 47 percent of the cities reported that they had special written policies, procedures, or directives on reporting and responding to bias-motivated violence.
- Police departments in 31 percent of the cities had a special unit or task force to handle bias-motivated criminal activity.
- Law enforcement training centers had course work or training sessions on responding to hate crimes in 64 percent of the survey cities. In 76 percent of the cities, sessions were offered on cultural diversity. In 71 percent of the cities courses were included on prejudice awareness and discrimination.
- Officials in 17 percent of the survey cities perceived hate crimes to be a serious or very serious problem. They were perceived to be a minor problem in 59 percent of the cities and no problem at all in 24 percent.
- Between 1990 and 1991 reported incidents of hate violence increased in 36 percent of the cities, remained the same in 58 percent and decreased in six percent.

These findings show a considerable effort underway in cities, but a long way yet to go. The are, of course, two years old. We hope to be able to conduct the survey

again this year so that we can have a more up-to-date report on implementation of the Hate Crimes Statistics Act and on problems relating to hate violence in cities.

Many mayors and their cities are doing what they can to prevent hate crimes from occurring in the first place and to address them quickly and firmly when they do occur. We appreciate your attention to this issue in this hearing today. While this is a problem that can be most effectively addressed at the community level, the federal government has a role through the FBI the Community Relations Service, the Education Department and others to give us the tools to do the best job possible.

Senator SIMON. Thank you very much, Mayor.
Mr. Lyons?

STATEMENT OF PHILLIP J. LYONS

Mr. LYONS. Senator Simon, Senator Hatch, for the record my name is Phillip Lyons, deputy attorney general for training and standards in North Carolina. I am here to represent the interests of those people like me throughout the country who are in the business of providing leadership and standards for law enforcement basic training, in-service training, and retention.

Our members throughout the country are responsible to their State legislatures through statutorily created boards and commissions to establish minimum standards and advanced standards for law enforcement officers and other officer types.

Basically, our mission is two-fold, and it is one I remind myself of, Senator Simon, every day I go to work. Our mission is two-fold and it is to assure all of our citizens that their officers are competent and ethical. In that regard, it is primarily through the programs of peace officer standards and training throughout the country that the law enforcement profession has indeed advanced to the level that it has today.

We are all unique. Every State is different, just like every city. We do things in a different way. Senator Simon, your State has a training delivery system that involves many regions. Next door to you, in Iowa, you have a State that has a single training academy for all of its law enforcement officers. Then in States like mine, there are many educational institutions.

Our progress that is made in law enforcement standards and training is typically through great effort because it is a partnership usually at the State and local level in order to bring law enforcement into further professionalization. Sometimes, it is a tough process and it is a balance. Not unlike Congress, we find that we can push the envelope so far and after a while it pushes back to us.

The issue of hate crimes reporting and training for law enforcement officers is within that model of pushing the envelope. Very few of our States, only seven, and they are pointed out in some supplementary information here in the ADL publication, actually have State requirements for training in hate crimes. The remainder of us do it on a voluntary basis.

What we have done in our State is to create this curriculum for patrol officers, for verification officers, and for trainers, hoping that a train-the-trainer methodology would assist us in making the progress that we feel that we need.

In developing these materials, I must compliment the FBI for the excellent job that they did in their materials that we borrowed from. Thank you. You, too, Senator Simon; we borrowed from your

peace officers standards and training organization, as well, because we thought that they had, as well as the FBI, the best material that we could use.

In doing that, we worked with a number of organizations to train all of our law enforcement officers. As a matter of fact, in 1991 I had a conversation with Representative John Conyers of Detroit, who expressed frustration to me of how come we hadn't trained all of the country's law enforcement officers, or in my State. Well, I have 23,000, and I didn't receive any additional staff or anything, like you did, to train those 23,000 law enforcement officers. So we are doing the best we can as fast as we can.

We have an excellent curriculum. We have got trained trainers out there. Our UCR and NIBS organization is prepared to receive the data. However, the reporting, I must say, is disappointing to me. I would like to have seen more happening, and so I have talked with law enforcement officers, I have talked with victims of crime over the past couple of weeks to try and find out what is going on.

I find there are disincentives to report on the part of law enforcement agencies. In many respects, what happens to a law enforcement agency when it reports a hate crime is actually negative for that department and for that community because sometimes it brings bad press to the community and the community doesn't want that. I also find that there is a reluctance to report hate crimes on the part of victims, especially victims of sexual orientation violence. They are reluctant because they feel like they can't be protected from further retribution.

But believe me when I say that I believe that law enforcement reflects the values of the community they serve, and in that particular respect I think there is a tendency for some people to think that law enforcement is at fault in some way in not being able to achieve what we would like to achieve. I don't believe that myself, Mr. Chairman. I believe that law enforcement reflects the values of the community.

That is why I would come to the conclusion and would suggest to the committee that the approach to take is one that has been suggested by Mayor Corradini that we apply all resources of our communities on the problems that we believe exist with respect to racial, religious, ethnic, and sexual orientation violence.

I would like to suggest to the committee that you consider a nationwide reinvigoration, if you will, of the issue of concern about hate crimes in our society, and certainly this hearing is a way to do that. I believe that we need a national and State reaffirmation of a commitment to dealing with hate crimes.

Second, I think we need to study those areas where things are going well and transfer that knowledge to other communities. We have listened to Mayor Corradini talk about some tremendous ideas that I would like to see implemented in my own State.

We need to mobilize various resources found within the Department of Justice, such as the Community Reconciliation Service, and the ADL service, World of Difference, which is a wonderful program, and address community problems on a systematic basis. We need to develop positive incentives for law enforcement departments to recognize and report hate crimes.

I believe that there may need to be grant funding at some point for exemplary projects, and other strategies that would be suggested by law enforcement leaders, which leads me to my last recommendation to you, and that is I believe that in terms of reinvigorating the interest in hate crimes, it may be very worthwhile to have a national by-invitation conference, perhaps sponsored by the Department of Justice—I am sorry, but perhaps sponsored by the Department of Justice, and invite police leaders, training leaders, such as myself, who are in this business—Mr. Chairman, it is very hard for me to talk without a flip chart and overhead projector, but I am doing my best—human relations leaders, city and county officials, and also the law enforcement leadership agencies, such as the International Association of Chiefs of Police, the National Sheriffs Association, and address the issue of why reporting doesn't seem to be where it ought to be right now and what we can do about it.

We, the International Association of Directors of Law Enforcement Standards and Training, who deal with training on a daily basis—and I have been for the last 22 years—initially expressed our commitment to the Hate Crimes Statistics Act in 1991, and just a few weeks ago we did it again. We are committed to doing whatever we can do, but I must say, in conclusion, this is not a good time for unfunded mandates. We know that, and we tread very carefully on expanding curricula.

All of us have changed basic law enforcement training, virtually all of us through all of the 50 States, to include hate crimes reporting and handling of victims. We find it very difficult to mandate that kind of training on a statewide in-service basis, and basically we have provided training and we have a good curriculum here. I would be happy to provide that to the committee if you like, Mr. Chairman, for the record.

We rely on agencies to ask us for our help, just like the Department of Justice. We are ready to provide it and we stand ready to provide it and stand ready to support whatever the committee decides to do, and Congress, now and in the near future.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Lyons follows:]

PREPARED STATEMENT OF PHILLIP J. LYONS

Good morning Mr. Chairman, committee members, staff and others. For the record, my name is Phillip J. Lyons, Deputy Attorney General for Training and Standards, state of North Carolina Department of Justice. While my Attorney General, Michael F. Easley, has authorized my presence and remarks, I am also present to represent the interests and concerns of the International Association of Directors of Law Enforcement Standards and Training (IADLEST) in the dual capacity as plenipotentiary and past president.

IADLEST is an international professional association of persons like myself whose employment and interests lie in the promulgation and management of employment, training, and retention standards for criminal justice officers. Each state has a statutorily-established organization whose responsibility to establish minimum standards for law enforcement and other officer types. These organizations are commonly referred to as Peace Officer Standards and Training, or "POST," councils, boards, or commissions in the several states.

Every POST organization has as its fundamental mission the assurance to all citizens that officers are both competent and ethical. It's not as easy as it sounds.

We are a manifestation of a movement in this country that began in the 1880's and persists to this day, namely professionalism in law enforcement and criminal justice. With the encouragement of the American Bar Association in the early

1950's, the nation's first two POST organizations were created in 1959 in California and New York. The last state to create a POST was in 1983.

To be sure, a great incentive to create POST organizations derived from the public's dissatisfaction with unprofessional police handling of widespread public disobedience primarily by young persons in the late 1960's and early 1970's. In my own state, minimum standards were statutorily authorized in 1971 and enacted first in 1973. The 1973 standards reflected caselaw as it existed then. Today's standards reflect contemporary caselaw, professional knowledge, and public expectations for officer behavior. Primarily through POST programs, law enforcement professionalism is vastly improved over that which existed 25 years ago.

Each state POST and its programs are unique because they reflect the individual politics and situation of that state. We all mandate a minimum amount of basic training but I represent one of the few states that actually develops the curriculum and places it in the hands of the students and instructors. Others prescribe only a minimum number of subjects and hours and leave the curriculum development up to the individual academies or departments.

We differ in our delivery systems, too. States like South Carolina, Indiana, Kansas, New Hampshire, Maine, and Vermont have single statewide academies where all officers come to train. Others, like Virginia, California, Arizona, Florida, Georgia, and Michigan have regional academies. Others like North Carolina and Texas make widespread use of community colleges and other educational institutions to deliver mandated training.

Funding varies, as well. Some states make use of penalty assessment, court fees, and forfeitures to fund minimum standards. Others, like North Carolina, fund standards and training solely out of General Fund revenues. Some charge tuition for training, while others do not. Some reimburse officers to attend approved training, while others have nothing at all to use as incentives for officers to participate in minimum or advanced coursework.

POST minimum standards and other programs progress only with great effort on the part of board members, individual leaders, and staff. In recent years, there are examples of POST organizations pushing too hard thereby bringing about radical decreases in authority and staffing. Not unlike Congress itself, we find that there is a line over which we may not cross without bringing about a stinging reaction from those whom we regulate. I often find that my role is frequently one of testing outer limits than it is of telling agencies what to do.

The issue of hate crimes training and reporting must be considered within this model of give and take. Reporting under the Act is not mandatory, it is voluntary. There are no mandatory training provisions like we saw in the areas of hazardous materials or bloodborne pathogen administrative rules.

In my state, we decided to support the Act through a statewide train-the-trainer strategy designed to "empower" our training delivery system to do this job locally. Our UCR collection agency revised its forms accordingly and provides technical assistance upon request. We began this effort in Fall, 1992. Thus, North Carolina's contribution to the 1992 UCR Hate Crimes Report is without the benefit of training or technical assistance.

The point to be made is that most law enforcement agencies in the country look to their state POST organization for leadership and training. There are limits to what we can mandate, however. There is great resistance to increasing hours in mandated Basic Law Enforcement Training or in required in-service training. So, frequently we present new training opportunities on a voluntary basis, like hate crime reporting and investigation.

Those who know me are well aware that I have little patience with poorly performing agencies and individuals. However, where praise is due, it should be given—as in the case of the performance of the UCR Section of the FBI in preparing to implement the provisions of the Hate Crimes Statistics Act. In preparing our own hate crimes curriculums, we drew heavily from the UCR Section of the FBI and Illinois POST. The two level scheme of reporting recommended by the UCR Section of the FBI is well thought out and effective. The Illinois POST curriculum is excellent, and my staff found it a great resource for ours (Demonstrate to committee).

In our case, we coordinated with our state Human Relations Commission and our Division of Criminal Information (DCI) to embark on our hate crimes training project. DCI developed forms and procedures to collect hate crimes statistics and assisted our Justice Academy staff in delivering instruction on statistical data gathering. Our Human Relations Commission provided assistance to us in developing our own approach to law enforcement handling of victims of crimes motivated by RRESO.

Our curriculum was targeted to three audiences: officers; confirmation officials; and, master trainers in hate crime investigation. This Train-the-Trainers strategy

was designed to empower our training delivery system to provide this instruction, rather than to rely solely on one Justice Academy instructor. After all, we have 23,000 officers in 550 departments to train.

As an aside, I recall a brief conversation with Representative John Conyers at the 1992 meeting of the International Association of Chiefs of Police in Detroit, wherein he expressed frustration at the then slow pace of training for law enforcement officers. I informed him that, while very committed to the project, my task was to train 23,000 officers with only a portion of one trainer to do it, as no one had given me any additional instructional resources to achieve this goal. Thus, providing hate crimes training meant that other important law enforcement subjects would not be available.

In our particular case, over 50 trained trainers have been provided with materials and a three day program of preparation. Over 65 of our 550 departments have had confirmation officers trained. And, over 250 line officers have been trained in handling and reporting hate crimes.

We have an excellent curriculum. Our mandated Basic Law Enforcement Training (BLET) course has reporting and handling included in curriculum that is placed in the hands of trainers and students. We have a good cadre of trained trainers. We are prepared to receive data in UCR and Incident-Based formats. Look at our reports. *Nothing much is happening.* Why?

Only part of the job has been done.

That Congress enacted the Hate Crimes Statistics Act of 1990 is of little moment to the average police officer or even police chief or sheriff. You will find that most police officers and chiefs are very busy just trying to keep up while understaffed. Police officers and officials tell me that nothing "good" comes from reporting a confirmed hate crime. The report only serves to draw criticism from many sources to include the media, it creates more paperwork and administrative inconvenience, and such reports are not uniformly met with gratitude by city leaders and citizens alike. Too often, a confirmed report reflects badly upon a community. Thus, there are real disincentives to report.

Believe me, law enforcement reflects the priorities of the community it serves. Therein lies our problem and opportunity.

I have made this point to our state Human Relations Commission in my own state. It is too focused with collecting informal hate crime reports and investigating offenses to take real and lasting action. Blaming law enforcement officers for indifferent reporting and callous investigation only diverts attention from the tough job of community reconciliation.

Our challenge is to identify communities with real problems and to intervene effectively. Law enforcement reporting and investigation is only a piece of the solution. To think that all we have to do is change officer behavior is short-sighted.

We need to mobilize all of the human resources of a community to address the issue of hate crimes * * * not just law enforcement. Indeed, our chiefs and sheriffs must be a part of the solution. Why not develop several models for community action in dealing with hate and anger? Why not seek to understand and therefore treat hate and anger? Why not seek to identify model efforts to deal with RRESO motivated crimes around the nation? Let's find out how to promote a community-wide approach in problem areas. Our statistics will help us to identify problem communities, but I bet most of us already know where they are anyhow.

The first phase of this project has gone well. The Act itself was realized, which is a marvelous statement in itself. The FBI has done a great job of preparing to collect statistics. Some of us have done a fine job of providing training for trainers, confirmation officers, and line officers. And, we have come to realize that something is missing because the reports are so lack credibility in so many areas of the country. However, some areas appear to be working well. Let's look at those areas where reporting seems to accurately reflect what we intuitively expect is the case and find out what is working right.

We need to have a national and state reaffirmation of the commitment to dealing effectively with crimes motivated by RRESO bias.

We need to study those areas where things are working well and transfer that knowledge to other departments and communities throughout the nation.

We need to mobilize various resources like the Department of Justice Community Reconciliation Service, as well as state resources, to address community problems on a systematic basis. To expect that by changing law enforcement behavior the problem will be solved is unrealistic.

We need to develop positive incentives for departments to invest the time and effort to train officers and place special emphasis on hate crimes reporting, investigation, and prosecution. These incentives could include, positive recognition, supple-

mental grant funding for exemplary projects, and other strategies, as suggested by law enforcement officers and leaders.

We in IADLEST have recently reaffirmed our initial 1991 commitment to support the Hate Crimes Statistics Act itself and its goals through POST activities. We appreciate this opportunity to provide input into the Congressional review of the Hate Crimes Statistics Act and stand ready to support its implementation now and in the future.

Senator SIMON. We thank you. If I may just ask you, in North Carolina, if you happen to know, what percentage of your law enforcement units are cooperating in terms of reporting?

Mr. LYONS. That is a difficult question to answer, Mr. Chairman. We were only ready to accept hate crime data in about the fall of 1992, which is why our reporting is so low. I have asked departments why they are not reporting like I think they should be, and there are a lot of reasons for that. I would tell you that certainly a third to almost half are prepared to report, but a very minuscule percentage are actually reporting, and that is a concern that I have and one that my attorney general, Mike Easley, and I have talked about and we are going to reinvigorate the process in our own State.

Senator SIMON. Mr. Pomerantz, of the States that did not participate in 1992—maybe in 1993 you have different numbers—but Alaska, California, Georgia, Hawaii, Kansas, Kentucky, Nebraska, New Hampshire, Vermont, and West Virginia—is that still the list?

Mr. POMERANTZ. Yes, sir, you are correct. Alaska, California, Georgia, Hawaii, Kansas, Kentucky, Nebraska, New Hampshire, Vermont, and West Virginia are not participating through the State repository system. That is not to say that we don't have agencies in those States that are local law enforcement agencies, but you are correct. They are not participating through the State-level repositories.

Senator SIMON. My notes say that Alaska has declined to participate altogether. Is that correct?

Mr. POMERANTZ. That is correct, yes, sir.

Senator SIMON. So we have no data from Alaska at all?

Mr. POMERANTZ. That is correct. We have no data at all from Hawaii, Nebraska, Vermont, and West Virginia as well. I am sorry. There is one agency in the State of Alaska that is participating. The States that are not participating at all are Hawaii, Nebraska, Vermont, and West Virginia.

Senator SIMON. Among the larger cities that are not participating, my list shows Albuquerque, NM; Birmingham, AL; Cleveland, OH; Detroit, MI; Houston, TX; Indianapolis, IN; Jackson, MS; Philadelphia, PA; Memphis, TN; and Milwaukee, WI. That is a pretty powerful list and, Mayor, you may want to make a note of that, too.

Is that still a list of major cities not cooperating?

Mr. POMERANTZ. The only correction that I believe I have is that Cleveland is participating.

Senator SIMON. Cleveland is?

Mr. POMERANTZ. But other than that, right. I would have to refer, Senator, to individually check those. I don't have that in my memory. I can certainly provide that information, but the essence is accurate. There are a number of large cities, some you didn't mention, that are not participating, yes, sir.

Senator SIMON. A staff person just said Los Angeles is not cooperating, is that correct?

Mr. POMERANTZ. That is correct. That is one you did not mention. That is correct. Los Angeles is not participating.

Senator SIMON. That is a pretty major omission.

Mr. POMERANTZ. Yes, sir.

Senator SIMON. I would be interested in asking either you, Mr. Pomerantz, or you, Madam Mayor, what can we do to encourage greater participation. Mayor, you are about to say something. I can tell.

Mayor CORRADINI. I was just going to offer, yes, we have been urging all mayors to participate in this, but we will redouble our efforts and contact the mayors of these cities and see if we can't urge them to get on the bandwagon quickly.

Senator SIMON. That would be appreciated.

Mr. POMERANTZ. Senator, I just would like to add that some of the nonparticipation that you have delineated here is tied to the implementation of the National Incident-Based Reporting System, and as that implementation progresses we will see a concurrent increase in reporting of hate crimes data. That is not the total solution, but those two issues are bound up together in some of the locations, particularly California, that you mentioned. I think as we see more reporting under the NIBRS system, we will again see a concurrent increase in reporting of hate crimes data.

Senator SIMON. Incidentally, I appreciate your mentioning your own personal experience in your testimony because it gives me a feel for somebody in charge of this who really is dedicated to doing the job, and I appreciate it.

Mayor, you mentioned that according to the data that you and the ADL have picked up there is an increase in hate crimes in 36 percent of the cities. Why do you think that is the case?

Mayor CORRADINI. I am picking it up in my own city, so I will speak from personal experience, and I see an increase in Salt Lake City. I think it is coming from the increasing disintegration of the family, poverty, the violence we have talked about today that kids are seeing on television and all around them, desensitization, access to guns, and a sense of futility.

I am in the elementary schools a lot, and in all of our schools, and we have tremendous violence coming out of 1st and 2nd graders. We have a 3rd grade boy who has been arrested 6 times in one of our elementary schools in this art program. I think it is a combination of all those things, and these kids who have no family—we had two 6th grade pregnancies in Lincoln Elementary School, 12-year-old girls, this last year. One girl's mother is a drug addict and she has 5 younger brothers and sisters, and she doesn't want to go home because she has got to cook if anybody has anything to eat at all. She hasn't seen her father for years and so the gang has become her refuge, her family.

All of those things add up to divisions, and the gangs tend to be divided along racial lines. It has taken a long time for us to get there and it is going to take us a while to dig our way out, but we have got to start with the next generation.

Senator SIMON. You mentioned growing up in Beirut, Lebanon. That is a great example of where we don't want to head in terms

of ethnic division and hatred and animosity. It is an unusual background. I am sure you are the only mayor of a major city in the United States who grew up in Beirut, Lebanon, but it gives you an added incentive in this whole field.

Senator SIMON. Senator Hatch?

Senator HATCH. Thank you, Mr. Chairman. I appreciated the testimony of all three of you.

Mr. Pomerantz, during the recent passage of the Senate crime bill, an amendment to the bill was offered and passed that would amend the Hate Crimes Statistics Act to require collection of data involving bias crimes against the disabled. Do you have any suggestions or any comments about that? Do you think is probably a good or bad thing to do?

Mr. POMERANTZ. Senator Hatch, I don't have any definitive feelings about whether it is a good or bad thing to do. Clearly, it is an other category of data that we would need to collect and there are certain difficulties just associated with changing the course of the ship, so to speak, as has been testified to by others as well as myself—difficulty in achieving what we want to achieve presently. To add another category would certainly make that somewhat more difficult, certainly not impossible.

Again, there are some considerations and some concerns which were, I believe, evident at the time the act was passed just in trying to quantify and delineate these categories of crimes and to make determinations about whether they are indeed hate crimes. That would apply in this situation as well, although it certainly wouldn't be impossible. We have been able to do that, I think, far better than anybody expected. I don't mean, certainly, the FBI, but all law enforcement has been able to accomplish those kinds of determinations, I think, with greater accuracy and ease than we would have predicted at the time. This is just another one of those kinds of challenges.

Senator HATCH. You suggested that the act does not compel State and local law enforcement participation in the hate crimes collection program. Now, in your view, is voluntary compliance working out? Do you think it is?

Mr. POMERANTZ. Yes, sir, I believe it is. We have over 56 percent of the population covered at this point in time. We are making progress every year. You have seen and heard the figures. The uniform crime report itself is not compulsory. It is solely voluntary, and we have 95 percent of the population covered in that system. I think certainly, given time, given more training, and funding is certainly an issue, we will get to where we want to be with a voluntary system, much again as we have in uniform crime reporting.

Senator HATCH. In 1991, you indicated over 3,000 law enforcement agencies participated. Now, in 1993, it is almost 7,000.

Mr. POMERANTZ. Almost 7,000.

Senator HATCH. So you feel like you are making headway?

Mr. POMERANTZ. Yes, sir, we are making headway.

Senator HATCH. Mayor Corradini, you stated in your testimony that according to a 1992 survey of 137 cities conducted jointly by the conference and the Anti-Defamation League, only 47 percent of the cities reported that they had policies or directives on reporting and responding to hate crimes. You also state that only 31 percent

of the cities had a special unit or task force to handle bias-motivated criminal activity.

What do you suggest we do to help get these cities, or what should be done to get these cities to beef up their efforts in this regard? I was very proud to hear what you are doing in Salt Lake City. I think you outlined a number of very excellent programs that are really making a difference in our town, and I know we are making a difference on the gangs on that town. I agree with your assessment of Chief Ortega. I think he has been a great asset to Salt Lake City. But what can we do to get more cities to participate?

Mayor CORRADINI. Well, I think, for starters, we can do more through the U.S. Conference of Mayors, and certainly we will redouble our efforts. I think updating the survey data this year will help us get a better handle on where we need to do further work, and some of the other ideas that have been suggested in terms of—certainly, in our own police department there is some sense that some of the information is not getting all the way down to the city and the local police departments in terms of educational programs on this issue.

Our police department also indicated when I talked to someone in the department yesterday that our statistics are quite low in terms of the number of documented hate crimes, but those are the obvious cases. We are not sure whether we are really doing a very good job at looking behind many of the crimes that are happening in Salt Lake City to see if perhaps they were generated and are a hate crime or could be categorized that way. We are going to start doing some further work in our own police department to see if we need to do more, so I think education is a key issue.

Senator HATCH. That is great. Is there a geographical component to the cities that aren't participating? Is there one area of the country that is greater than another?

Mayor CORRADINI. No.

Senator HATCH. OK; Mr. Lyons, welcome. We are glad to have you here as well and I appreciated your testimony. You stated in your testimony that your State's hate crimes curriculum drew heavily from the uniform crime reports of the FBI regarding implementation of the provisions of the Hate Crimes Statistics Act. Could you inform the subcommittee of what was particularly impressive or helpful to you in that report?

Mr. LYONS. Senator Hatch, I have to be really complimentary of the UCR section of the FBI, in particular, in the information they provided to us in late 1991 and early 1992, giving us an overall scenario for collecting hate crimes and distinguishing between officer roles and confirmation official roles.

Furthermore, as we are moving to the national incident-based reporting in my own State, and we are only about halfway through that, which affects some of our reporting, in a way, that material that we received from the Uniform Crime Reporting Section was extremely helpful to us because it gave us an idea of what were some of the best practices in departments in the country that were leaders in this area. That, combined with what we were able to obtain from Illinois, helped us greatly in putting a curriculum together much faster than we would have otherwise.

In particular, I just say that the dual reporting system and the information explaining how that was to work, and definitions, were probably the most helpful things that we received from UCR.

Senator HATCH. Thank you. Thank you, Mr. Chairman.

Senator SIMON. Thank you. Just one observation. Mayor, you mentioned the gangs. Young people who are having trouble in school are much more likely to get into gangs, and there is an equation of prejudice and education. Ignorance and prejudice go hand in hand, and to the extent that we can devise school programs—the Elementary and Secondary Education Act that Senator Hatch and I just voted out of committee the other day—to the extent that we can devise programs to keep young people in school, we are also dealing with this problem.

We thank all three of you. I am grateful to the FBI for your leadership. You are doing a superb job over there on this and we are grateful to you. Mayor, I am impressed by your testimony and your leadership here today. Mr. Lyons, we thank you for what you are doing in North Carolina. Thank you very much.

Mr. LYONS. Thank you.

Mayor CORRADINI. Thank you.

Mr. POMERANTZ. Thank you, sir.

Senator SIMON. Our final panel is Sara Bullard, the education director of the Southern Poverty Law Center, and editor of a magazine that I receive called Teaching Tolerance. I might add that the magazine is really doing an excellent job. In fact, it had a picture on the cover recently and I wrote to the museum asking if I could get a print of that particular painting.

We have Vivian Gussin Paley, University of Chicago Lab Schools. We are pleased to have an Illinois citizen testifying here today, Ms. Paley. And we have Robert Machleder, who chairs the New York Regional Board of the Anti-Defamation League, and heads their World of Difference program. Incidentally, the ADL has been doing just a superb job, and has been doing it for years, but it is frankly not a substitute, as you know, for the FBI doing it.

We are pleased to have all three of you here and if there is no preference, we will start with you, Ms. Bullard.

PANEL CONSISTING OF SARA BULLARD, EDUCATION DIRECTOR, SOUTHERN POVERTY LAW CENTER; VIVIAN GUSSIN PALEY, UNIVERSITY OF CHICAGO LABORATORY SCHOOLS; AND ROBERT MACHLEDER, CHAIRMAN, NEW YORK REGIONAL BOARD, ANTI-DEFAMATION LEAGUE

STATEMENT OF SARA BULLARD

Ms. BULLARD. Thank you. I appreciate having the opportunity to be here, and I thank you for your comments about our magazine.

I want to tell you a little bit about what we have been doing in the Southern Poverty Law Center and our Teaching Tolerance Project, and to share with you my perspectives on tolerance education in the schools. I want to make it clear that when I am talking about tolerance education, I am not talking about a single curriculum or a single approach, any one theory or practice, but I am talking about a very broad range of practices and techniques that are being used by teachers all over the country.

We began looking at the need for tolerance education during a civil lawsuit that involved a white supremacist killing of an Ethiopian man. The killers of Mulugeta Seraw were all in their teens or early 20's, some very angry young kids. Although we won that civil suit, we realized that litigation was not going to affect the attitudes and feelings of young people who were becoming involved in hate violence, and we wanted to take a look at what was available and what was working in the schools.

I began to do a lot of research trying to find the answers to those questions. On the question of what was available, the answer is there is an abundance of really good material available on multicultural education, character education, conflict resolution, peer mediation—a wide range of materials that are relevant to education for tolerance. The ADL's program is one of them.

The research shows that no single program or approach works consistently across the board, and the key variable is the classroom teacher. Every piece of research I have ever seen that tries to establish what approach is effective in teaching tolerance comes down to the fact that what works in one classroom doesn't necessarily work in another.

That began to cause us to take a look at the classroom teacher and the influence that one teacher has in a classroom full of individual students. I read Vivian Paley's books and those had an enormous impact on my thinking. At about that time, we were seeing, of course, that half the hate crimes that were being committed were being committed by young people.

One of the hate crimes that we were tracking in our Klanwatch department involved the killing of a sailor, Harold Mansfield, who had just served in the Persian Gulf War. Harold Mansfield happened to be the pen pal of a 4th grade classroom in Oklahoma. That 4th grade classroom was taught by John Roberts, and John Roberts had not been instituting any formal curriculum in multiculturalism or tolerance, but he had put his class in touch with this one African-American sailor who shared with them his hopes and dreams, and developed a relationship with him.

When Mansfield was killed by white supremacists in a Jacksonville parking lot, John Roberts then had to go into his classroom and help explain what a white supremacist was, how the murder happened, why their friend was dead. They had to talk about a lot of very deep social issues, as well as some heavy emotional issues. He had them write letters to the killer of Harold Mansfield to help deal with that anger. We have heard other people mention that dealing with anger is a very important antiviolence measure that has to be taken in our schools.

So they wrote letters and they attended the funeral and they talked about white supremacy and hate violence, and they also had to come to a discussion about how to respect people who are different from us, how to recognize the humanity of somebody whose actions you abhor. They had to deal with the really tough issues of tolerance.

We began to see that there were hundreds and thousands of teachers doing this kind of thing around the country. Our subscription list for Teaching Tolerance is now about 135,000. We will be mailing it free to 500,000 teachers the next time we print it, and

the response continues to grow. We have also developed a curriculum which we send out free, and this is a documentary video produced by Charles Guggenheim, a Washington film maker, and a text on the civil rights movement, a teacher's guide. About 50,000 schools have ordered this.

There is no lack of interest and there is no lack of resources out there. What I think we to do as a nation is to support the individual teachers in the efforts they are making in their classrooms. I think that can be done through grant support for character education programs that classroom teachers develop. I don't think it is useful or right for the Federal Government to be mandating particular curricula for schools, but I think that the people who know best how to do this work are in our classrooms now. They are our most powerful resource and they are the ones that we need to support.

Thank you.

[The prepared statement of Ms. Bullard follows:]

PREPARED STATEMENT OF SARA BULLARD

The Southern Poverty Law Center staff began looking at ways to promote tolerance in the nation's schools in 1991 during a civil lawsuit against white supremacists who beat an Ethiopian man to death on the streets of Portland, Oregon. The killers were all young people, and they were part of a national organization of teenagers who shared the ultimate hope of making the United States an all-white nation. One of the accused, Ken Mieske, fancied himself a songwriter. During a search of his apartment, police found these lyrics that Mieske had written:

*Senseless violence is the only thing I know
Piles of corpses never ending watch them grow
Kill my victims for pleasure and for fun
Beat them over the head, shoot them with my gun * * **

Mieske's poem expressed a sickness that seemed to be spreading, particularly among young people. For several years, our Klanwatch division had monitored an increase in violent racism among youth, and by 1992, our data indicated that more than half of all hate crimes were being committed by people under the age of 18. That year, we documented 279 hate crimes that took place on school campuses, from kindergartens to colleges. (Because data collection on hate crimes remains very sporadic, those numbers are surely understated.)

Our concern was heightened by several studies that documented rising intolerance among youth of all races. In a 1990 Harris poll, more than half of high school students surveyed said they had witnessed racial confrontations. Nearly four out of 10 said they would participate in or silently support racial incidents. One out of five high school students said they carried a weapon of some type to school with them.

The Southern Poverty Law had worked for years in the area of civil litigation against violent white supremacist groups, but as we saw the ages of these white supremacists growing younger and younger, we felt we had a new responsibility to join in the efforts to help train our young people to practice tolerance and to respect our nation's great diversity.

SUPPORT FOR TEACHERS

We began our project by asking the question, "What kinds of educational strategies are most effective in teaching tolerance?" I wish I could say that we found an answer. We didn't. What we found was a disparate array of theories, curricula, resources and practices related to the topic—much of it very useful, none of it universally effective.

The conclusion we came to is the same conclusion that most systematic research in this area shows: Almost everything depends on the individual teacher in relationship to individual students. Teachers who care about students are the most powerful resources we have for teaching tolerance. But what works in one classroom may not work in another. What teachers needed was not a single curriculum that would

“teach tolerance,” but support for the many different ideas, strategies and resources that they could select for their own classrooms based on their knowledge of themselves and their children. And they also needed a forum where they could share their practical experiences with each other. So in the Spring of 1992 we launched *Teaching Tolerance*, a free, twice-yearly magazine that regularly profiles the work of classroom teachers and offers a wide variety of teaching strategies and resources. As far as I know, our magazine includes the most comprehensive regular listing of educational resources in the area of tolerance education.

We’ve learned several things from our observations and experiences in the three years since our project began:

- Classroom teachers all over the country are hungry for ideas and resources that will help them teach tolerance, and educational publishers are clamouring to meet that need. Our offices are packed with hundreds of multicultural books and curricula that we review for publication in our *Teaching Tolerance* magazine. We’ve received thousands of letters from teachers who are devoted to helping their children live peacefully together, and who work daily, with enthusiasm and determination, to that end. It’s one measure of their interest that our subscription list has grown after just five published issues of the magazine to 175,00 readers. And the list continues to grow as we try to reach more people. Our next printing of the magazine will be mailed to a total of half a million teachers.
- A wide variety of efforts are underway to include character education in the nation’s schools. They range from systematic programs that are instituted schoolwide, such as the very successful Child Development Project and various conflict resolution and peer mediation programs; to packaged curricula that targets very specific issues such as the civil rights movement or the holocaust; to teacher training programs such as Facing History and Ourselves; to the routine efforts many classroom teachers make to engage their students in moral dialogue and action around whatever curriculum they happen to be teaching at the time.
- We’ve also learned that it’s not enough to enhance the curriculum with character education materials. Students must also have abundant opportunities for practicing the skills of tolerance. Community service programs, democratic classrooms, cooperative learning strategies, and peer mediation programs offer such opportunities, and educators who have used these strategies are noticing a difference in their school climates.
- Most importantly, we’ve had to face the fact that education is only one small piece of the solution to our problems. Hate violence, and violence in general, won’t end by the efforts of teachers alone, just as they won’t end by the singular efforts of law enforcement, legislation, or social services.

HEALING THE SOURCE OF HATE

We can’t just tell our children how it’s best to behave in the world. We have to show them. And yet the society we have to offer them is not one where acts of tolerance, cooperation and compassion predominate. What Gordon Allport told us, in his 1954 groundbreaking study, *The Nature of Prejudice*, still holds true today: “Civilized men have gained notable mastery over energy, matter and inanimate nature generally, and are rapidly learning to control physical suffering and premature death. But, by contrast, we appear to be living in the Stone Age so far as our handling of human relationships is concerned.”

What Allport found, and what many social scientists have confirmed in the years since his work, is that intolerance begins at home. Children who grow up with strong bonds of love, firm and consistent guidance, and models of moral behavior are more likely to possess the skills of tolerance. Children brought up without loving bonds, consistent guidance and moral models become adults who are fearful, insecure, distrustful and self-centered—the very traits intolerance thrives upon.

What our society becomes depends largely on what our families are like. And it’s no secret that, in our society, families are suffering. One in four American children live with just one parent. One in five children are born out of wedlock. Five children a day die of abuse and neglect (a number that tripled during the 1980’s alone). Domestic abuse is the leading cause of injury to women.

The rates of drug abuse, teen-age pregnancy, poverty, suicide and random violence are clear enough evidence that too many of our children are growing up with the knowledge that they are on their own and that they are of little significance to this world.

Our children's pain is evident not only in the way they treat themselves and the way they feel about their lives, but also in the way they treat others.

Juvenile arrests for murder, robbery and assault increased by 50 percent between 1988 and 1992, according to the FBI. A Tulane University study found that one out of five suburban high school students thinks it is "OK" to shoot someone "who had stolen something from you," and one out of 12 believe it is OK to shoot someone "who had done something to offend or insult you." Most hate crimes are now being committed by children under the age of 18.

What causes hate violence? The same things that cause violence: fear, anger and pain. In the most comprehensive analysis of prejudice and hatred that exists, Gordon Allport didn't talk much about historical discrimination, economic disenfranchisement, legislation or education. He talked about anger, fear, frustration, and low self-esteem. People who hate are hurting, he told us.

Today, children everywhere are looking to gangs, guns, drugs and sex to ease their pain. Our attention is naturally drawn to these, the most obvious manifestations of the problem, and it is right that we make every effort to remove the tools of violence and self-destruction from our children's hands. But even if we could take all the weapons away, and we can't, we wouldn't be solving the problem. What we must offer our children, ultimately, are the personal tools to overcome the hurt they feel.

After Ken Mieske broke his baseball bat over the skull of a stranger, the police asked him why. Why did he keep swinging long after Mulugeta Seraw was unable to fight back? Mieske answered, "I was mad."

And it was true. Mieske was mad with an anger that had no beginning and no end that he could imagine. Mulugeta Seraw had nothing to do with Mieske's anger. Rejected by his family, Mieske was living on the streets of Portland by the time he was 15. He bounced from bar to bar, from bedroom to bedroom, from street to prison, from one drug to another, trying to find some escape from pain and a place where he belonged. Finally, he found among the Skinheads a family of sorts. They had their own music, their own ideology, their own style. They had well-defined allegiances and clearly-designated enemies, and they accepted him. And through the Skinhead culture, Mieske finally found an outlet for all the pain he'd ever felt—brutal, random, racist violence.

It seems unlikely any new curriculum efforts would have made a difference in the life of Ken Mieske. What he needed, ultimately, were not lessons in cultural diversity and citizenship. What he needed was someone to listen to him, to care about him, to comfort him and show him that change was possible.

Schools are filled with people who care about children, and it's this ethic of caring, more than anything else, that will be our greatest resource in healing the violence in our society.

A teacher in Iowa City helps open her students' eyes to the possibility of healing and change in year-long project called "Transformations." The students interview people who have gone through some kind of crisis in their lives and write about the lessons they have learned about survival, growth and change.

An elementary school counselor in Seattle helps homeless children express their anger and fear through art and play therapy. In her office, they put doll families together and tear them apart, limb for limb, they draw pictures of bonfires and plane crashes and whirlwinds, and they talk about how they feel.

Any sweeping changes that we expect to see in our country's next century must begin with the small but heroic efforts of people like these who offer children love, acceptance, respect and hope. If we cannot do anything else, we must find ways to support the efforts of thousands of educators who care about what happens to our children.

Eleanor Roosevelt, after helping to persuade the United Nations to adopt the Universal Declaration of Human Rights, understood that even universal declarations were meaningless without millions of tiny actions to make them real. "Where, after all, do universal human rights begin?" she said. "In small places, close to home—so close and so small that they cannot be seen on any maps of the world. * * * Unless these rights have meaning there, they have little meaning anywhere.

Unless we address the problem of violence where it begins—in small places, close to home—we can expect to see a continuing escalation of the most destructive impulses of human nature.

RECOMMENDATIONS

- Provide funding for character education in the schools.
- Continue aggressive measures to combat family violence.

- Broaden counseling services in elementary schools.
- Provide conflict resolution training, beginning in elementary schools.
- Improve hate crime data collection from state and local jurisdictions.
- Enhance law enforcement training on hate crime investigation.

Senator SIMON. Thank you for your excellent work. I was pleased to hear those circulation figures for Teaching Tolerance.

Ms. Paley?

STATEMENT OF VIVIAN GUSSIN PALEY

Ms. PALEY. Thank you, Senator Simon, for inviting me. A lot of people here today already have talked about the need to return to earlier and earlier ages to begin an education for tolerance. Mr. Spielberg mentioned several times his 5-year-old, and we are always curious about the reactions of 5-year-olds. Very few of us, including classroom teachers, take these reactions seriously enough, nor do we understand the capacity for understanding human suffering and human rights that young children, in fact, possess.

The reason I have been invited to this committee today is, of course, on the face of it that I wrote a book called "You Can't Say You Can't Play," a study of a small social experiment in one classroom written up and put into a book, in which young children in a kindergarten would be no longer allowed to reject each other, to exclude each other from play. We would no longer tolerate "you can't play with us," "you can't sit at our table," "you can't be my partner," "you can't walk with us."

These are children too young to even know the names of races or pay that much attention to faces that look different or accents that seem different. In fact, these are children of an age always pretending to be someone they are not. This is fine. Pretense is the whole point of being 5, but somehow or other in this democracy of ours we have allowed, even by kindergarten, children to already understand that classrooms are made up of bosses, of insiders, and of outsiders.

Even in this wonderful democratic approach to schooling that most cities have, we still allow children to not allow each other ordinary rights for full participation. By kindergarten, this is quite well understood on a very instinctive level. Long after we have stopped allowing children to hit each other or physically abuse, very few of us think it is outside the privilege of a child to say, you can't play with me, you can't be on my team. We somehow or other feel perhaps children are too young to understand what rejection and exclusion mean, or perhaps we feel, as many very capable teachers do, that you cannot legislate morality with very young children. But, of course, that is the only time in life, probably, when the legislation of morality can possibly take hold.

The idea of what human nature consists of is understood by little children, and they understand that everyone has it in them to exclude or to include. We have in our power, we school teachers—and I do represent right now in my manner of speaking the classroom teacher. I have been in a classroom 36 years myself teaching young children. We do have it in our power, but we don't know it, to portray a public society that is truly shared by one and all.

The children that we teach come from a bastion of privacy, of course, and it will always be that way, from their own private families. But whether we realize it or not, the beginning of school is the beginning of public life. Everything that happens in that kindergarten represents everything that happens in these hearings, and that is the time when children really like the grown-ups. They really want to follow what they say. They really love the idea of rules that help them do things right. We don't take advantage of that.

One last thing. As I have been invited all over the country just this past year to 16 different States to talk about "You Can't Say You Can't Play," there has been a tremendous number of people who have decided at all age levels to include this approach that you can't exclude people, it won't be allowed, and have written to me saying it works.

An Indiana university invited me, an honors program of several hundred students, and that night after I described the rule, stayed up all night and in the morning decided to change the rules of fraternities and sororities and to start having open enrollment the very next day. Whoever wants to join can join.

Thank you.

[The prepared statement of Ms. Paley follows:]

PREPARED STATEMENT OF VIVIAN GUSSIN PALEY

I have been invited to testify today because I've written a book called *You Can't Say You Can't Play* (Harvard University Press, 1992). It is the story of a social experiment that began in my kindergarten at the University of Chicago Laboratory Schools and is now being tried out by teachers throughout the country. The title is taken from a sign posted on our kindergarten wall that seeks to discourage those all too-familiar schoolday taunts: You can't play with us, sit with us, walk with us, or join our teams. Who cannot remember the pain and humiliation of being rejected by one's own classmates? We all enter the classroom as strangers but some are destined to remain strangers.

The issue is older than the Bible. "The stranger that sojourneth with you shall be unto you as the homeborn among you * * *" we read in Leviticus, yet we do not view the making of strangers in school with alarm. By kindergarten, certain children will have the right to limit the experiences of their classmates: a ruling group of insiders will learn to notify others of their acceptability and the outsiders will learn to anticipate the sting of rejection. Even as we teach children the lessons of democracy we permit them to empower bosses and to withhold common rights.

"It's just human nature to want certain people to not be with you," a fourth grader insists when I explain the new rule to her class. But then she adds, "Of course, if you start in kindergarten, that's different. They trust you, they'll believe you. It's too late to give us a new rule."

Teachers tell me it is still not too late at fourth grade but the student is right. It is surely easier if we begin at the beginning. Then, that part of human nature that wants to dominate and reject will step aside and allow another natural feeling to come forward, the pleasure of being able to include others without fear.

Be assured, school play is the official start of public life. The habit of believing one has the right to demean another classmate publicly can be replaced without much struggle by an equally powerful notion, that everyone owns the classroom in exactly the same way—if we begin early enough, without ambivalence.

Senator SIMON. We thank you for your most remarkable contributions.

Mr. Machleder?

STATEMENT OF ROBERT MACHLEDER

Mr. MACHLEDER. Good morning, Senator. I am Robert Machleder. I am a member of the Anti-Defamation League's National Commission and chairman of the ADL New York Regional

Board. Seated behind me are Jess N. Hordes, ADL's Washington representative, and Michael Lieberman, associate director and counsel for the League's Washington office.

It is difficult to be the last witness in a panel of such distinguished and eloquent speakers who have preceded me, but the Anti-Defamation League is delighted to testify today on the status of implementation of the Hate Crimes Statistics Act and on education initiatives which we believe can help prevent intergroup conflict and hate violence.

Since the enactment of HCSA in April 1990, ADL has served as a leading resource for the FBI in designing materials for education and outreach under the HCSA. We commend you, Senator Simon, for your energetic efforts to promote passage of this important measure, with Senator Hatch, and for your continuing leadership in developing Federal initiatives to combat bigotry and intolerance, and improve the Federal Government's response to hate crimes.

Over the past 80 years, ADL has evolved into a leader in the development of innovative materials, programs, and services that build bridges of communication, understanding, and respect among diverse racial, religious, and ethnic groups. ADL's experience is that educational resources are effective tools to alter attitudes and behaviors, which in turn can prevent and reduce acts of hatred and discrimination.

We are realistic enough to know that bigotry, prejudice, and anti-Semitism cannot be legislated, educated, tabulated, or prosecuted out of existence. Even the best trained teachers and law enforcement officials will not eliminate prejudice and criminal activity motivated by prejudice, but education and experience can promote better understanding and appreciation of diversity in our society. Effective response to hate violence by public officials and law enforcement authorities can play an essential role in deterring and preventing these crimes.

All Americans have a stake in effective response to violent bigotry. These crimes demand a priority response because of their special emotional and psychological impact on the victim and on the victim's community. Failure to address this unique type of crime could cause an isolated incident to explode into widespread community tension. It tears the fabric of our society.

We believe that the Hate Crimes Statistics Act can be a powerful mechanism to confront violent bigotry against individuals on the basis of their race, religion, sexual orientation, or ethnicity. The 6,181 participating law enforcement agencies in 1992, though only a fraction of the Nation's 16,000 agencies, reflect well on the FBI's initial HCSA outreach and education efforts. Though clearly incomplete, this set of FBI statistics gives the League and other agencies devoted to improving response to hate violence a baseline for the future. As efforts to implement the HCSA continue and expand, we will learn more about the perpetrators of these especially hurtful crimes and how to prevent them.

I would like to mention ADL's education initiative, since a lot of the questioning and a lot of the comment has turned to education. This is an educational piece to reduce prejudice and increase tolerance. It is ADL's A World of Difference. It has been used in schools throughout the country. It has been used on college campuses. It

is being used in the workplace. Mr. Lyons called it a wonderful program and we are very, very proud of it.

American schools have an increasingly diverse racial, religious, and ethnic population, a trend that will continue in coming years. Schools are often the first institutions to reflect changing demographics and variations in our Nation's culturally varied population.

ADL's A World of Difference Institute was founded in Boston in 1985. It is now operating in over 30 cities. It has provided training and educational programming about the roots and consequences of prejudice. A World of Difference combines specially produced television programming, public service announcements, teacher training, curriculum materials, community-based projects, and video resource materials designed to help children and adults explore issues of prejudice and diversity.

Mr. Spielberg in his testimony talked about teaching and emphasizing empathy, and that is precisely what this program does. This is the "Teacher/Student Resource Guide." It is in a loose-leaf book and the reason for that is that it adapts itself and is built locally in different communities which have different populations. For example, communities which have larger Native American populations or Cambodian populations need a lot of room. In Queens County, NY, we have over 100 different cultural groups that reside in that one county.

ADL's A World of Difference Institute is most often used as a proactive measure to help educators develop the skills, the sensitivity, and the knowledge to combat bigotry, and encourage understanding and respect among diverse groups in the classroom. It has also been used as a remedial measure in the wake of racial tensions or specific incidents in a school or a community, in which cases institute professionals have been invited to help educators, administrators and parents develop the tools to address ongoing problems.

ADL professionals and A World of Difference professionals have been involved in effective responses to a number of high-profile intergroup conflicts, including the aftermath of the Crown Heights riot in New York City, the South Central Los Angeles riots and, interestingly, in Germany where the German Government invited ADL to introduce the A World of Difference program after antifoigner riots arose in Bremen and Rostock, and it is now being used in Bremen, Rostock, and in Berlin.

To date, over 110,000 elementary and secondary school teachers nationwide have been trained to address prejudice and to better value diversity. For their students, A World of Difference is designed to stimulate critical thinking and discussion about prejudice and discrimination. The program has reached over 10 million students. So with Mr. Spielberg's effort to reach 6 million students with his film and our efforts to continue to promote A World of Difference, we should be reaching an ever widening student population.

The Federal Government has an important leadership role to play in confronting the problem of school-based hate violence. Resources must be allocated to institute and replicate programming on prejudice awareness, religious tolerance, conflict resolution, and

multicultural education. We have several recommendations. Our testimony includes these recommendations for congressional and administration action to confront prejudice and hate violence.

First, Congress should enact the Hate Crimes Sentencing Enhancement Act, which would increase the penalties for Federal crimes in which the victim was selected on the basis of his or her race, religion, sexual orientation, ethnicity, or disability. This measure is now pending as part of the omnibus crime bill.

Second, antibias and prejudice-reduction school and community-based programs like A World of Difference should be part of the programmatic activities funded by the Department of Education under the Elementary and Secondary Education Act. Third, the Department of Education should make information available regarding successful prejudice-reduction and hate crime prevention programs and resources.

The success of prejudice-reduction initiatives will be measured over time by movement toward a more tolerant society. The impact of the HCSA will be determined at the local level and it will be measured by the response of law enforcement officials to each criminal act motivated by prejudice.

ADL stands ready to continue to work with Congress, with the FBI, with educators, and with the law enforcement community to tailor our response and to craft new initiatives to effectively confront prejudice and hate violence in the years to come.

Thank you.

[The prepared statement of Mr. Machleder follows:]

PREPARED STATEMENT OF ROBERT MACHLEDER

My name is Robert Machleder and I am a member of the Anti-Defamation League's National Commission and chair of the ADL New York Regional Board. I am accompanied by Jess N. Hordes, ADL's Washington Representative, and Michael Lieberman, Associate Director and Counsel for the League's Washington Office.

The Anti-Defamation League is pleased to testify today on the status of implementation of the Hate Crime Statistics Act (HCSA) and on education initiatives we believe can help prevent intergroup conflict and hate violence. Since the enactment of the HCSA in April, 1990, ADL has served as a leading resource for the FBI in designing materials for education and outreach on the HCSA. We commend you, Senator Simon, for your energetic efforts to promote passage of this important measure with Senator Hatch and for your continuing leadership in developing federal initiatives to combat bigotry and intolerance and improve the federal government's response to hate crimes.

THE ANTI-DEFAMATION LEAGUE

Since 1913, the mission of ADL has been to "stop the defamation of the Jewish people and to secure justice and fair treatment to all citizens alike." Dedicated to combatting anti-Semitism, prejudice, and bigotry of all kinds, defending democratic ideals and promoting civil rights, ADL has evolved into a leader in the development of innovative materials, programs, and services that build bridges of communication, understanding, and respect among diverse racial, religious, and ethnic groups.

The attempt to eliminate prejudice requires that people develop respect for cultural diversity and acceptance of cultural differences and begin to establish dialogue across cultural boundaries. Education and exposure are the cornerstones of a long-term solution to prejudice, discrimination, bigotry, and anti-Semitism.

We are realistic enough to know that bigotry, prejudice, and anti-Semitism cannot be legislated, educated, tabulated, or prosecuted out of existence. Even the best-trained teachers and law enforcement officials will not eliminate prejudice and criminal activity motivated by prejudice. But education and experience can promote better understanding and appreciation of diversity in our society. Effective response to hate violence by public officials and law enforcement authorities can play an essential role in deterring and preventing these crimes.

THE HATE CRIME STATISTICS ACT (HCSA): STEADY PROGRESS AND SIGNIFICANT PROMISE

The Hate Crime Statistics Act (HCSA), enacted in 1990, requires the Justice Department to acquire data on crimes which "manifest prejudice based on race, religion, sexual orientation, or ethnicity" and to publish an annual summary of the findings. We believe the HCSA can be a powerful mechanism to confront violent bigotry against individuals on the basis of their race, religion, sexual orientation, or ethnicity. Attention has now turned to implementation of the Act by the Federal Bureau of Investigation, as well as by state and local law enforcement officials.

All Americans have a stake in effective response to violent bigotry. These crimes demand a priority response because of their special impact on the victim and the victim's community. Failure to address this unique type of crime could cause an isolated incident to explode into widespread community tension. The damage done by hate crimes cannot be measured solely in terms of physical injury or dollars and cents. Hate crimes may effectively intimidate other members of the victim's community, leaving them feeling isolated, vulnerable, and unprotected by the law. By making members of minority communities fearful, angry, and suspicious of other groups—and of the power structure that is supposed to protect them—these incidents can damage the fabric of our society and fragment communities.

EARLY HCSA DATA: AN INCOMPLETE NATURE

In January, 1993, the Bureau released its first report on hate crime data collected by law enforcement agencies around the country. The FBI report documented a total of 4,558 hate crimes in 1991, reported from almost 2,800 police departments in 32 states. The Bureau's 1992 data, released in March, 1994, documented 7,442 hate crime incidents reported from more than twice as many agencies, 6,181—representing 41 states and the District of Columbia. The vast majority of these reporting agencies reported to the FBI that they had zero hate crimes in their jurisdiction.

THE FBI'S 1992 HCSA DATA AT A GLANCE

- Less than 18 percent of the agencies that reported to the FBI reported *any* hate crimes in their jurisdiction. The other 82 percent reported that they had *zero* hate crimes in their jurisdiction in 1992.
- Law enforcement agencies in 20 of the 30 largest cities in America reported hate crime data to the FBI. Among the law enforcement agencies that did not report HCSA data to the FBI in 1992 were:

| | |
|--------------|--------------|
| Los Angeles | Indianapolis |
| Philadelphia | Columbus |
| San Diego | Memphis |
| Detroit | Nashville |
| San Jose | Cleveland |

In eight of the 20 jurisdictions that did report HCSA information to the FBI in 1992, the data reported was obviously incomplete.

- Law enforcement agencies in only 52 of the largest 100 cities in America reported *any* HCSA data to the FBI.
- The FBI report notes that personnel from every jurisdiction over 100,000 population have been trained at a regional HCSA training session. However, law enforcement agencies from only about 160 of these approximately 300 jurisdictions submitted data included in the FBI's 1992 report. This means that only a little more than half of the law enforcement agencies that participated in FBI-sponsored training reported 1992 hate crime data to the Bureau.
- Nine states did not have a single agency reporting data to the FBI in 1992: Alaska, Hawaii, Montana, Nebraska, New Hampshire, New Mexico, South Dakota, Vermont, and West Virginia.
- Law enforcement agencies in nine other states reported a total of less than ten hate crime incidents statewide: Alabama (4), Kansas (3), Kentucky (5), Mississippi (0), North Carolina (1), North Dakota (1), South Carolina (4), Tennessee (4), Wyoming (0).

More than 60 percent of the 12,000 reported hate crime incidents over the Bureau's first two years of data collection were race-based, crimes committed against individuals on the basis of their religion was the second largest category, followed by crimes committed on the basis of sexual orientation and ethnicity.

36 percent of the reported crimes were anti-Black, more than 20 percent of the crimes were anti-White. Crimes against Jews and Jewish institutions comprised the vast majority of the religion-based crime—about 16 percent of the total reported incidents.

Crimes against persons composed over 70 percent of the offenses reported to the FBI—including 17 murders. Intimidation was the most frequently reported crime, followed by destruction/damage/vandalism to property, and assaults.

A FOUNDATION ON WHICH TO BUILD

The 6,181 participating law enforcement agencies in 1992—though only a fraction of the nation's 16,000 agencies—reflect well on the FBI's initial HCSA outreach and education efforts. Though clearly incomplete—the FBI received virtually no reports from California, the District of Columbia, North Carolina, and Georgia, for example—this second set of FBI statistics gives the League and other agencies devoted to improving response to hate violence a baseline for the future.

A RIPPLE EFFECT THROUGHOUT THE CRIMINAL JUSTICE SYSTEM

Comprehensive implementation of the HCSA should have a significant impact on treatment of hate violence throughout the criminal justice system. This “trickle up” impact:

- Begins with the responding officer to the crime. The first officer on the scene sets the tone for the incident and how that officer responds is critically important. He or she must be able to identify a hate crime, respond to it appropriately, and report it accurately. The internal police procedures continue with an investigator's verification of the incident and the department's follow up with the victims.
- Prosecutors, especially in states with enhanced penalty provisions for hate crimes, should be expected to press hard for convictions in these frequently well-publicized cases. Human rights groups are increasingly recognizing that they can play an important role in encouraging victims to report hate crimes and then assist in the investigation and prosecution of the crime.
- Judges should then be under scrutiny to provide substantial sentences after convictions.

As efforts to implement the HCSA continue and expand, we will learn more about the perpetrators of these especially hurtful crimes—and how to prevent them. Victims are more likely to report a hate crime if they know a special reporting system is in place. Every law enforcement agency should train its officials in how to identify, report, and respond to hate violence. Tracking hate crimes can help police officials craft preventative strategies. Moreover, by compiling statistics and charting the geographic distribution of these crimes, police officials may be in a position to discern patterns and anticipate an increase in racial tensions in a given jurisdiction.

ADL will continue to work with Congress, the FBI, with public officials, and with the law enforcement community to ensure that gains in public awareness and improved public response to hate violence continue—and that the number of law enforcement agencies participating in the FBI's HCSA expands. Beyond aggregate numbers, implementation of the HCSA can be expected to continue to spark improvements in the response of the criminal justice system to hate crimes.

THE NEED FOR PREJUDICE-REDUCTION PROGRAMS IN SCHOOLS

American schools have an increasingly diverse racial, religious, and ethnic population, a trend that will continue in the coming years. Schools are often the first institutions to reflect changing demographics and variations in our nation's culturally varied population. Every student enters the school building carrying his/her particular cultural norms, practices, beliefs, values, and attitudes. Schools and individual students are greatly affected by intergroup tensions that too-frequently accompany a changing, culturally-diverse student body.

Central to beginning to reduce racial and ethnic conflict in school is addressing the roots of hate-based violence. To develop respect for cultural diversity, and to confront and combat prejudice, bigotry, homophobia, discrimination, and scapegoating, many schools have implemented cross-cultural awareness, cultural diversity, and prejudice reduction/anti-bias education programs.

ADL'S A WORLD OF DIFFERENCE PROGRAM: PREVENTING PREJUDICE AND DEFUSING INTERGROUP TENSIONS

ADL's "A World of Difference Institute," founded in Boston in 1985 and now operating in over 30 cities, provides training and educational programming about the roots and consequences of prejudice. "A World of Difference" combines specially-produced television programming, public service announcements, teacher training, curriculum materials, community-based projects, and video resource materials designed to help children and adults explore issues of prejudice and diversity. The objectives of the League's "A World of Difference Institute" are:

- To provide an understanding of prejudice and discrimination and the harm they inflict upon individuals and communities;
- to provide techniques and develop strategies to challenge the stereotypes and biases that inhibit intergroup understanding; and
- to identify factors that contribute to the promotion of intergroup understanding and successful coalition building.

To date, over 110,000 elementary and secondary school teachers nationwide have been trained to address prejudice and to better value diversity. For their students, "A World of Difference" is designed to stimulate critical thinking and discussion about prejudice and discrimination. The "A World of Difference" Institute Teacher/Student Resource Guide features interactive lessons, readings, and activities designed to be integrated into the existing curriculum in social studies, history, civics, and other classes.

Just as students need nonviolent conflict resolution strategies, they must also develop skills to prevent or address interracial, interethnic, interreligious, and homophobic incidents of violence. Conflict resolution and prejudice awareness programs can provide needed information and skills to prevent youth violence.

ADL's experience is that educational resources are effective tools to alter attitudes and behaviors—which in turn can prevent and reduce acts of hatred and discrimination. Several recent studies have documented the central role of education in confronting bigotry and hatred.

- The New York State Governor's Task Force on Bias Related Crime (1987) made these findings on bias, violence, and education: "The efforts of the Task Force to promote anti-bias education for the students and teachers of New York State are based on the knowledge that the reduction of bias and intolerance will help to reduce intergroup tensions and thus decrease and prevent incidents of conflict and violence."
- A 1992 Department of Education Office of Civil Rights report, "Racial and Ethnic Conflict in Elementary Schools," found "an alarming increase in racial and ethnic intolerance and conflict at all school levels across the country." That report concluded that "preadolescents, while vulnerable to racial and ethnic strife, are still young enough to be open to alternatives to violence."
- The American Psychological Association (APA) in its landmark 1993 report, *Violence and Youth: Psychology's Response* documented the role of prejudice and discrimination in fostering social conflict that can lead to violence. The APA report asserted that education programs that reduce prejudice and hostility are integral components of plans to address youth violence. The report concluded that conflict resolution and prejudice reduction programs can provide needed information and skills to prevent youth violence.

THE IMPACT OF "A WORLD OF DIFFERENCE INSTITUTE"

ADL's "A World of Difference Institute" is most often used as a proactive measure to help educators develop the skills, sensitivity, and knowledge to combat bigotry and encourage understanding and respect among diverse groups in the classroom. In the wake of racial tensions or specific incidents in the school or community, however, Institute professionals are sometimes invited in as a remedial measure, to help educators, administrators, and parents develop the tools to address ongoing problems. Several examples follow:

- In the face of increasing numbers of civil rights violations by youthful offenders, professionals from the Boston ADL Regional Office and A World of Difference Institute, in conjunction with the Massachusetts Attorney General's office, developed a Youth Diversion Project in which non-violent offenders are sentenced

to alternatives to incarceration, such as education programs and community service.

- Responding to anti-foreigner violence, the German government invited an "A World of Difference Institute" team of professionals to design a diversity-awareness training program in October, 1993. A year-long training program is now taking place in Rostock and Bremen, scenes of a number of neo-Nazi attacks against foreigners.
- In the aftermath of the verdict in the first Rodney King police brutality trial and the subsequent violence that rocked Los Angeles, ADL made resources from "A World of Difference Institute" available to assist hundreds of educators and parents throughout the city. During that time of crisis and heightened racial and ethnic tensions, "A World of Difference Institute" resources were used to help create classroom settings in which students could comfortably discuss intergroup tensions, leading to growing respect of their classmates' heritage.

RESPONDING TO PREJUDICE: A PREVENTION ACTION AGENDA FOR CONGRESS AND THE ADMINISTRATION

The federal government has an important leadership role to play in confronting the problem of school-based hate violence. Resources must be allocated to institute and replicate programming on prejudice awareness, religious tolerance, conflict resolution, and multicultural education.

- Anti-bias and prejudice reduction school and community-based programs, like "A World of Difference," should be part of the programmatic activities funded by the Department of Education—including programs under the sections of the pending Elementary and Secondary Education (ESEA) reauthorization legislation designed to reduce and prevent school violence. Under the leadership of Senators Simon and Dodd, the Senate Labor and Human Resources Committee-approved ESEA contains several important new provisions which should help spark innovative programming in this area. We would urge Congress to include these provisions in the final version of the ESEA.
- In a time of increasing racial violence and intercity tensions, it is important to promote democracy-building initiatives, and teaching about the Bill of Rights—and the values and principles that underlie citizenship in the United States. The ESEA Civic Education provisions should include activities to promote respect for cultural diversity and acceptance of cultural differences.
- The Department of Education should make information available regarding successful prejudice-reduction and hate crime prevention programs and resources.

RESPONDING TO HATE VIOLENCE: A DETERRENCE AND RESPONSE ACTION AGENDA FOR CONGRESS AND THE ADMINISTRATION

Since this Subcommittee's first oversight hearing on the HCSA in August, 1992, there have been a number of noteworthy developments in efforts to craft preventative strategies and effective responses to hate violence.

- Working in coalition with other human rights groups, and Senator Herb Kohl and Representative Nita Lowey, ADL successfully promoted several new hate crime and prejudice-reduction initiatives approved in the 102nd Congress as part of the four-year Juvenile Justice and Delinquency Prevention Act reauthorization. The Act includes a new requirement that each state's juvenile delinquency prevention plan include a component designed to combat hate crimes and a requirement that the Justice Department's office of Juvenile Justice Delinquency Program (OJJDP) conduct a national assessment of youths who commit hate crimes, their motives, their victims, and the penalties received for the crimes.
- In furtherance of this Congressional mandate, OJJDP has allocated \$100,000 for a Hate Crime Study to identify the characteristics of juveniles who commit hate crime, the characteristics of hate crimes committed by juveniles, and the characteristics of victims of juvenile hate crimes.
- The OJJDP also provided a \$50,000 grant for the development of a wide-ranging curriculum—appropriate for educational, institutional, and other settings—to address prevention and treatment of hate crimes committed by juveniles.

- In addition, the Justice Department's Office for Victims of Crime (OVC) has funded a \$150,000 training curriculum to improve the response of law enforcement and victim assistance professionals to victims of hate crimes.
- Working with human rights groups and law enforcement organizations, the Anti-Defamation League has helped coordinate support for state hate crime penalty-enhancement laws and data collection initiatives. The U.S. Supreme Court's unanimous decision on June 11, 1993, upholding the constitutionality of the Wisconsin hate crime penalty-enhancement statute—based on an ADL model now law in over two dozen states—removes any doubt that state legislatures may properly increase the penalties for criminal activity in which the victim is targeted because of his/her race, religion, sexual orientation, or ethnicity.

Every state should enact a penalty-enhancement hate crime statute. While bigotry cannot be outlawed, hate crime statutes demonstrate an important commitment to confront criminal activity motivated by prejudice. In conjunction with comprehensive implementation of the HCSA, stiff penalties for hate crime perpetrators sends the clear message that hate violence is a law enforcement priority and that each hate crime—and each hate crime victim—is important.

- We welcomed FBI Director Louis J. Freeh's October 15, 1993, letter to Senator Simon indicating that the Bureau considers hate crime data collection a permanent addition to the UCR program. Notwithstanding this commitment and other clear indications by the Bureau that it is institutionalizing the collection of hate crime data, the HCSA should be reauthorized by Congress to underline the importance of the program and to ensure that hate crime data collection remains a permanent part of the FBI Uniform Crime Reporting program.
- Congress should enact the Hate Crimes Sentencing Enhancement Act (HCSEA), which would increase the penalties for crimes where the victim was selected "because of the actual or perceived race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation of any person." The House of Representatives and the Senate have now approved slightly different versions of this penalty-enhancement legislation as part of their respective omnibus crime bills. The final crime bill should certainly include the HCSEA provisions.
- The FBI has been receptive to requests for HCSA training for state and local law enforcement officials. We urge Congress to take steps to ensure that the Justice Department receives sufficient funding for the FBI to continue to respond to requests for hate crime training from law enforcement agencies across the country, as well as funding to continue its own training and education outreach efforts on the issue.
- Ironically, the FBI has apparently been unable to collect hate crime data from some states and municipalities with *existing* municipal or statewide hate crime data collection programs. This problem of conversion of existing state data into information compatible with the HCSA mandate must be resolved.
- The FBI should take steps to incorporate hate crime training for its new agents and in-service training for agents at its Quantico academy.
- Every agency within the Department of Justice that is involved in HCSA training, research, education, or community outreach should do so in accordance with the terms of the Act—responding to crimes committed on the basis of race, religion, sexual orientation, and ethnicity. The FBI, the Office For Victims of Crime, the Office of Juvenile Justice Delinquency Programs, and the Bureau of Justice Assistance have done this, but the Community Relations Service has not—and this has hurt the Department's overall implementation program. The statutory authority for CRS should be expanded to include religion and sexual orientation to make clear that the Service's unique mediation and conciliation skills can be brought to bear on the full range of intergroup conflicts and hate violence situations.
- Hate crime response experts from around the country—including ADL representatives—are helping to develop a model curriculum for use by the Federal Law Enforcement Training Centers (FLETC) for federal, state, and local police officials. We urge Congress to provide full funding for the Treasury Department to complete this worthwhile initiative and to provide funding for delivery of this program to federal, state, and local law enforcement officials through the structure of FLETC's National Center for State and Local Law Enforcement Training.

A HATE VIOLENCE ACTION AGENDA FOR THE LAW ENFORCEMENT COMMUNITY

Along with human rights groups like the Anti-Defamation League, the law enforcement community has actively supported hate crime penalty-enhancement legislation and data collection initiatives. With many indications that hate violence is on the rise, and with questions concerning the constitutionality of penalty-enhancement laws apparently resolved, attention has turned to education and outreach on appropriate steps to assist bias crime victims and to apprehend perpetrators:

- Departments should take steps to ensure comprehensive local implementation of the HCSA. Because the accuracy and uniformity of the data collected will only be as good as the reporters, every law enforcement agency should train its officials in how to identify, report, and respond to hate violence.
- The establishment of specifically-focused departmental policies and procedures for addressing hate violence is a proactive step which will send a strong message to victims and would-be perpetrators that hate crimes are not pranks and that police officials take them seriously. Every department should adopt a written policy, signed by the Chief, to effectively respond to hate violence in a priority manner.
- Municipalities should establish an integrated hate crime response network, including liaisons to local prosecutors, city or county human rights commissions, and private victim advocacy organizations. Local human relations groups, like ADL, can be helpful in a number of ways. In addition to urging constituents to report hate crimes and assist at the investigation and prosecution stages, these organizations can assist in analyzing the hate crime data for both their own constituents and for the media. This context can be especially useful in the case of aggressive, diligent police agencies who are called upon to explain why their hate crime numbers are higher than neighboring, less attentive departments. Community groups will know which agencies have made serious efforts to confront hate violence.
- To ensure that hate crime data is not collected in a vacuum, state-wide tracking and trend analysis centers, such as the Bias Crime and Community Relations Office in New Jersey and the Maryland Racial, Religious, and Ethnic Intimidation Advisory Committee, should be established across the country.

The fundamental cause of hate violence in the United States is the persistence of racism, bigotry, and anti-Semitism. Unfortunately, there is no quick, complete solution to these problems—legislative or otherwise.

Excellent resources now exist to help municipalities establish hate crime response procedures. ADL has developed a number of hate crime training resources which are available to communities and law enforcement officials, including a new comprehensive guide to hate crime laws, a seventeen-minute hate crime training video on the impact of hate crime and appropriate responses (produced in cooperation with the New Jersey Department of Law and Public Safety), a handbook of existing hate crime policies and procedures at both large and small police departments, and a general human relations training program to examine the impact of discrimination, while promoting both better cultural awareness and increased appreciation for diversity.

The success of prejudice reduction initiatives will be measured, over time, by movement towards a more tolerant society. The impact of the HCSA will be determined at the local level, and it will be measured by the response of law enforcement officials to each criminal act motivated by prejudice. ADL stands ready to continue to work with Congress, the FBI, educators, and with the law enforcement community to tailor our response and craft new initiatives to effectively confront prejudice and hate violence in the years to come.

Senator SIMON. We thank you. I like your phrase, incidentally, "violent bigotry," which is an apt description. How does a school or a teacher get a hold of that manual there?

Mr. MACHLEDER. Well, often, the schools, after an incident will occur, will invite ADL, or ADL will contact a school and advise as to the existence of the ADL AWOD program. It will then be introduced. It has now received such attention through publicity that various institutions will request AWOD training, and AWOD sends facilitators into the school and it operates in a workshop environ-

ment where administrators and educators in group sessions will learn about their own self-identify, their cultural identify, and will learn about their deficiencies in the knowledge of other cultures within their community. They will have group interchanges to heighten awareness, to have empathy, and then to proceed with programs in the classroom.

Senator SIMON. But what does a teacher who is watching this on C-SPAN right now—how does that teacher—

Mr. MACHLEDER. I would suggest that the teacher contact ADL A World of Difference Institute, and we would be immediate to respond to provide information as to how in that school or in that classroom A World of Difference programming can be introduced.

Senator SIMON. Do you have any experience in the showing now of "Schindler's List" and what that does?

Mr. MACHLEDER. I can't speak directly to that issue, but all of the feedback that we have received as a consequence of the A World of Difference program and the showing of "Schindler's List" indicates a heightened sensitivity on the part of those who have been exposed to it to the need for cultural awareness, to diversity awareness, and to reducing prejudice. The feedback seems all to be positive that there is a sense of change in attitudes, particularly among the young who are now learning for the first time that this is a pluralistic society in which we live, that there are people from a variety of different cultures, and that those cultures have to be valued.

Senator SIMON. Your statistics indicate that there is an increase in hate crimes.

Mr. MACHLEDER. Yes.

Senator SIMON. Why do you think that is the case?

Mr. MACHLEDER. I will quote Abe Foxman, our national executive director, who says it is hip to hate. It is hip to hate on campuses, it is hip to hate in society in general. What we see on campuses is a rising amount of hateful discourse. We see it on television, we hear it on talk radio, we see it in sports. There is a great deal more violence, there is a great deal more in-your-face confrontation. I was pleased during the National Basketball Association playoffs to hear Commissioner Stern say that the issue of violence and trash talk will be addressed.

I think there has been a coarsening of discourse in our society, in general. It is fueled by a number of factors. We have seen the phenomenon on college campuses of the popularity of Khalid Abdul Mohammed, whose speech at King College was highlighted by ADL, and whose speeches elsewhere on college campuses have now become notorious. Mr. Mohammed is probably the most popular invitee to speak on college campuses. Why?

I suppose there is a myriad of reasons. It is not easy to identify what is the source of the attraction to this kind of vile and vitriolic discourse, but I believe it has to do with a relaxation of the sense of responsibility that people in authority need to show. For example, university administrators and college presidents are often too late and too reluctant to interject their own comments when speakers like this appear on college campuses.

There should not be a closing-off of discussion. We believe in the first amendment and the right of academic freedom, but college ad-

ministrators and university presidents do have a responsibility to speak out forcefully and immediately when someone comes on campus spewing hate. Also, I think that is an obligation that the rest of us in society, including in the Federal Government and State governments, have to respond promptly, to respond immediately, to respond forcefully, and to say this is not tolerable, this is not what America stands for.

Senator SIMON. Let me just add one other point because you mentioned Commissioner Stern. Athletic figures can do a great deal, and public service announcements by the NBA or the NFL are important. One quick illustration. I went down to Pretoria, South Africa, for Nelson Mandela's inauguration and among the people who went down there were Hillary Clinton and Vice President Gore and Commissioner Stern.

We came out of one evening's program and there was a group of South African teenagers there and they asked not, is Hillary Clinton here or Al Gore. They wanted to know whether Commissioner Stern was there. Athletic figures and those who are associated with them have great appeal to young people.

Ms. Paley, first of all, I love the title of your book, "You Can't Say You Can't Play," because it hits home with all of us. What did you teach, what grade or what group, and how did you happen to get involved in writing such a book?

Ms. PALEY. I have been teaching kindergarten and preschool all of my life. How I got involved is I think I simply grew older. As I grew older in the classroom, I began to sense that all was not well; that, as I mentioned, children were being allowed to begin the habit of exclusion at a very, very young age, and I, for one, as a teacher was, at best, ambivalent. Should I step into this, should I stop it?

Children were being allowed to commit intrusions upon each other that no good teacher would think of doing. They were limiting in every respect the educational opportunities of their peers and none of us were recognizing it. Just as we say at our older ages that people who are denied entrance into certain clubs can't perform their business properly, can't make the kinds of contacts or learn what they need to learn to grow in their profession, little children from the beginning are subjected to this.

The interesting thing is it is long before the habit of rejection focuses on a particular type of person. It can happen in an all-white class, all-black class, all-Latino class, all-rich, all-poor, private, public. As we know, if the habit of rejection and exclusion is permitted in a group, you will find out who it is you want to exclude. If your society is based upon insiders and outsiders, people who decide and boss others—we don't even have our bosses in our city machines anymore, and you walk into any classroom and you will find out within a few minutes of listening, especially on the playground, who the bosses are.

The question is, is this the responsibility of teachers. Well, if we taught in a totalitarian society based upon an elitist society, then I suppose we would just go ahead and do what we continue doing, let an elitist group grow up thinking that certain people will set the rules and other people will be deprived of their rights. But, obviously, we are not in that society. Teachers are supposed to teach,

above all, how you live as an adult in a democracy. It is not too early to begin at the kindergarten level.

If I may just be very personal, growing up in an orthodox Jewish family and going to synagogue with a fair amount of regularity, I was always struck by several passages; they appear in other places, but in Leviticus, for example, that the stranger shall be included with the home-born, that you shall not make of someone a stranger. You shall give that person the same rights as the home-born are given.

That bothered me all the years I went through the Chicago public schools, though it could have been any schools, because I always sensed that that was not, in fact, happening any place. It didn't even happen in my Hebrew school. It just simply didn't happen anywhere. There were always those who took the role of the home-born and made strangers out of the rest of us, and no one ever did anything about it. In other words, school from the beginning did not really teach people how to be nice and kind to each other, and did not encourage equal opportunity.

When Sara's magazine, "Teaching Tolerance," focused on my book, "You Can't Say You Can't Play," I loved the title that they gave to the piece, "Equal Play." That really says it.

Senator SIMON. What you do when you exclude a child is there is a usually small, fortunately, emotional scar that is there, and if that person happens to be African-American or Polish or Jewish or disabled, or whatever it is, that scar tends to be compounded.

Ms. PALEY. And it lasts throughout life.

Senator SIMON. And it lasts.

Ms. PALEY. I discussed this book in a place my mother, who is now 94, lives in Chicago, a senior retirement apartment home, with some of the 90-year-olds that she hob-knobs with, and the minute I told them what this was about each one remembered from all the old countries they came from such an insult given to them when they were little. I mean, it was something so immediate as to have never been forgotten.

Those who receive the insults grow to expect them. Those who give the insults, nice people perhaps, get in the habit of doing it and it no longer becomes anything that they think about. It does really, as we all say, but I think truly it begins in the kindergarten. We can lick it.

Senator SIMON. I am proud to have you as a citizen of Illinois.

Ms. PALEY. We are proud to have you as our Senator.

Senator SIMON. Thank you.

Ms. Bullard, I can understand if I am a history teacher how you can work tolerance in very easily, or an English teacher. You can have students write themes that promote understanding. But let's say I am a chemistry teacher. Tell me how I am going to promote tolerance if I am a chemistry teacher.

Ms. BULLARD. Well, if you had said biology or math, I might have been able to handle that one.

Senator SIMON. Well, make it biology or math.

Ms. BULLARD. I think that there are countless ways. There are teachers who use mathematical skills in community service projects. There is a teacher I know who has her students investigate the compliance of local buildings and businesses with the

Americans With Disabilities Act. They go out and they measure doorways and ramps and facilities to see whether the buildings are complying with meeting the needs of disabled Americans. By doing that, they put themselves in the position of somebody with a disability at the same time they use their math skills.

Another way of using math, for instance, would be to compare poverty levels, income levels, all the statistics we have on racial inequities in our society, doing graphs and making charts and doing censuses of local problems. There are really innumerable ways, and not just in language arts and history and even the sciences, but a lot of art and theater and music and dance teachers are very much involved in this area.

Senator SIMON. When you mentioned the circulation of your magazine, "Teaching Tolerance"—130,000, I think, subscribers—that is an unusually high figure for a magazine that is aimed for a very narrow base. Why do you think you have that amazing circulation?

Ms. BULLARD. Well, it is free. That is one reason.

Senator SIMON. That helps.

Ms. BULLARD. I don't think that is the full reason. I think Ms. Paley can tell you that the number of publications that a classroom teacher gets every year is pretty overwhelming. I think the reason the subscription list is high is because there are an awful of teachers who really care about what happens to their children. They know they are going to grow up in a society that is more diverse than ever. They see the problems, they see the pain that these children are bringing to their classrooms.

They, like Vivian Paley, are having to deal with the problem of exclusion in the classroom. It is not a social sometimes with them. It is an issue of creating harmony in the classroom. I can't stress enough the amazement and the enthusiasm we have seen from teachers who are doing individual things without a lot of outside support, doing wonderful work.

Senator SIMON. You are doing an excellent job with that magazine. Is it fair to say that that kind of interest and circulation also—the bad side of the news is it also reflects a real need in our society that we have a major problem?

Ms. BULLARD. Absolutely, and I think that all of the reasons that have been given before are relevant, beginning with family problems. I think that teachers are seeing a lot of problems in their classrooms as a result of family breakdown, and the same thing that families need to offer their children teachers are now trying to offer students—a place of belonging, love, caring, discipline, guidance, and role models.

Senator SIMON. We thank all three of you for your excellent testimony.

Our hearing stands adjourned.

[Whereupon, at 12:43 p.m., the subcommittee was adjourned.]

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